



DOE/EIS-0447

*Final*  
Final

# Champlain Hudson Power Express Transmission Line Project Environmental Impact Statement Volume III: Appendix P Comment Response Document



U.S. DEPARTMENT OF ENERGY  
OFFICE OF ELECTRICITY DELIVERY AND ENERGY RELIABILITY  
WASHINGTON, DC

August 2014



***FINAL***

**CHAMPLAIN HUDSON POWER EXPRESS  
TRANSMISSION LINE PROJECT  
ENVIRONMENTAL IMPACT STATEMENT**

**Volume III: Appendix P  
Comment Response Document**

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**U.S. DEPARTMENT OF ENERGY  
OFFICE OF ELECTRICITY DELIVERY  
AND ENERGY RELIABILITY**



***COOPERATING AGENCIES***

**U.S. ENVIRONMENTAL PROTECTION AGENCY  
U.S. ARMY CORPS OF ENGINEERS  
U.S. FISH AND WILDLIFE SERVICE  
U.S. COAST GUARD  
NEW YORK STATE DEPARTMENT OF PUBLIC SERVICE  
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

**AUGUST 2014**







## APPENDIX P

### Comment Response Document





**APPENDIX P**

**COMMENT RESPONSE DOCUMENT**

**FOR THE**

**CHAMPLAIN HUDSON POWER EXPRESS**  
**TRANSMISSION LINE PROJECT**  
**DRAFT ENVIRONMENTAL IMPACT STATEMENT**

**U.S. Department of Energy**  
**Office of Electricity Delivery and Energy Reliability**  
**Washington, DC**

**Cooperating Agencies:**  
**New York State Department of Environmental Conservation**  
**New York State Department of Public Service**  
**U.S. Army Corps of Engineers**  
**U.S. Coast Guard**  
**U.S. Environmental Protection Agency**  
**U.S. Fish and Wildlife Service**

**AUGUST 2014**



**COMMENT RESPONSE DOCUMENT FOR THE  
CHAMPLAIN HUDSON POWER EXPRESS TRANSMISSION LINE PROJECT  
DRAFT ENVIRONMENTAL IMPACT STATEMENT**

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1. CHPE EIS NOA Published in the Federal Register
2. Example Newspaper NOA
3. Responses to All Comments on the Draft EIS

## ACRONYMS AND ABBREVIATIONS

°C	degrees Celsius	ERRP	Emergency Repair and Response Plan
°F	degrees Fahrenheit		
AC	alternating current	ESA	Endangered Species Act
AIM	Algonquin Incremental Market	FERC	Federal Energy Regulatory Commission
BA	Biological Assessment	FWCA	Fish and Wildlife Coordination Act
BFE	base flood elevation		
BMP	best management practice	GWh	gigawatt hour
CEQ	Council on Environmental Quality	HDD	horizontal directional drilling
CFR	Code of Federal Regulations	HVAC	high-voltage alternating current
CHPE	Champlain Hudson Power Express	HVDC	high-voltage direct current
CHPEI	Champlain Hudson Power Express, Inc.	IBB	International Brotherhood of Boilermakers
CMP	Coastal Management Program	IBEW	International Brotherhood of Electrical Workers
CP	Canadian Pacific	IPCC	Intergovernmental Panel on Climate Change
CRMP	Cultural Resources Management Plan	IUOE	International Union of Operating Engineers
CSX	CSX Transportation		
CWA	Clean Water Act	km	kilometer
CZM	Coastal Zone Management	LEDPA	Least Environmentally Damaging Practicable Alternative
CZMA	Coastal Zone Management Act		
DC	direct current	LIUNA	Laborers' International Union of North America
DOE	U.S. Department of Energy	MAPNYNJ-TBC	Maritime Association of the Port of New York and New Jersey – Tug & Barge Committee
DOI	U.S. Department of the Interior		
EFH	essential fish habitat	mG	milligauss
EIS	Environmental Impact Statement	mg/L	milligrams per liter
EM&CP	Environmental Management and Construction Plan	mm	millimeter
EMF	electromagnetic field	MOA	Memorandum of Agreement
EO	Executive Order	MPT	Maintenance and Protection of Traffic

MSA	Magnuson-Stevens Fishery Conservation Management Act	NYSRC	New York State Reliability Council
MSL	mean sea level	PAH	polycyclic aromatic hydrocarbon
MW	megawatt	PCB	polychlorinated biphenyl
NEPA	National Environmental Policy Act	percent g	percentage of the force of gravity
NERC	North American Electric Reliability Corporation	POI	point of interconnection
NIEHS	National Institute of Environmental Health Sciences	ROI	region of influence
NMFS	National Marine Fisheries Service	ROW	right-of-way
NOA	Notice of Availability	SAV	submerged aquatic vegetation
NOAA	National Oceanic and Atmospheric Administration	SCFWH	Significant Coastal Fish and Wildlife Habitat
NRHP	National Register of Historic Places	SHPO	State Historic Preservation Office
NY AREA	New York Affordable Reliable Electricity Alliance	SMIA	Significant Maritime and Industrial Area
NYISO	New York Independent System Operator	SPACE	Stony Point Action Committee for the Environment
NYPA	New York Power Authority	SSAP	Sediment Sampling Analysis Plan
NYSAPA	New York State Adirondack Park Agency	TDI	Transmission Developers Inc.
NYSBPS	New York State Bulk Power System	TSS	total suspended solids
NYSDEC	New York State Department of Environmental Conservation	TUHC	TDI–USA Holdings Corporation
NYSDOS	New York State Department of State	U.S.C.	United States Code
NYSDOT	New York State Department of Transportation	USACE	U.S. Army Corps of Engineers
NYSDPS	New York State Department of Public Service	USCG	U.S. Coast Guard
NYSL	New York State Laborers	USEPA	U.S. Environmental Protection Agency
NYSPSC	New York State Public Service Commission	USFWS	U.S. Fish and Wildlife Service
		WRP	Waterfront Revitalization Program
		XLPE	cross-linked polyethylene

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# 1. Introduction

## 1.1 Overview

On January 25, 2010, Champlain Hudson Power Express, Inc. (CHPEI)<sup>1</sup> submitted an application to the U.S. Department of Energy (DOE) for a Presidential permit for the Champlain Hudson Power Express (CHPE) project (proposed CHPE Project)<sup>2</sup>. An application for a Presidential permit is evaluated in accordance with Executive Order (EO) 10485, as amended by EO 12038, and the regulations codified at 10 Code of Federal Regulations (CFR) 205.320 et seq. (2000), “Application for Presidential Permit Authorizing the Construction, Connection, Operation, and Maintenance of Facilities for Transmission of Electric Energy at International Boundaries.” The DOE Office of Electricity Delivery and Energy Reliability, National Electricity Delivery Division (OE-20) is responsible for issuing Presidential permits. The Presidential permit for CHPEI (OE Docket Number PP-362), if issued, would authorize CHPEI to construct, operate, maintain, and connect the U.S. portion of the proposed CHPE Project.

Pursuant to the National Environmental Policy Act of 1969 (NEPA), and in considering an application for a Presidential permit, the DOE must take into account potential environmental impacts of the proposed transmission line and associated facilities before making a final decision. DOE is using the NEPA process to involve Federal, state, and local agencies; tribal governments; and the public in the environmental review of the proposed CHPE Project and alternatives.

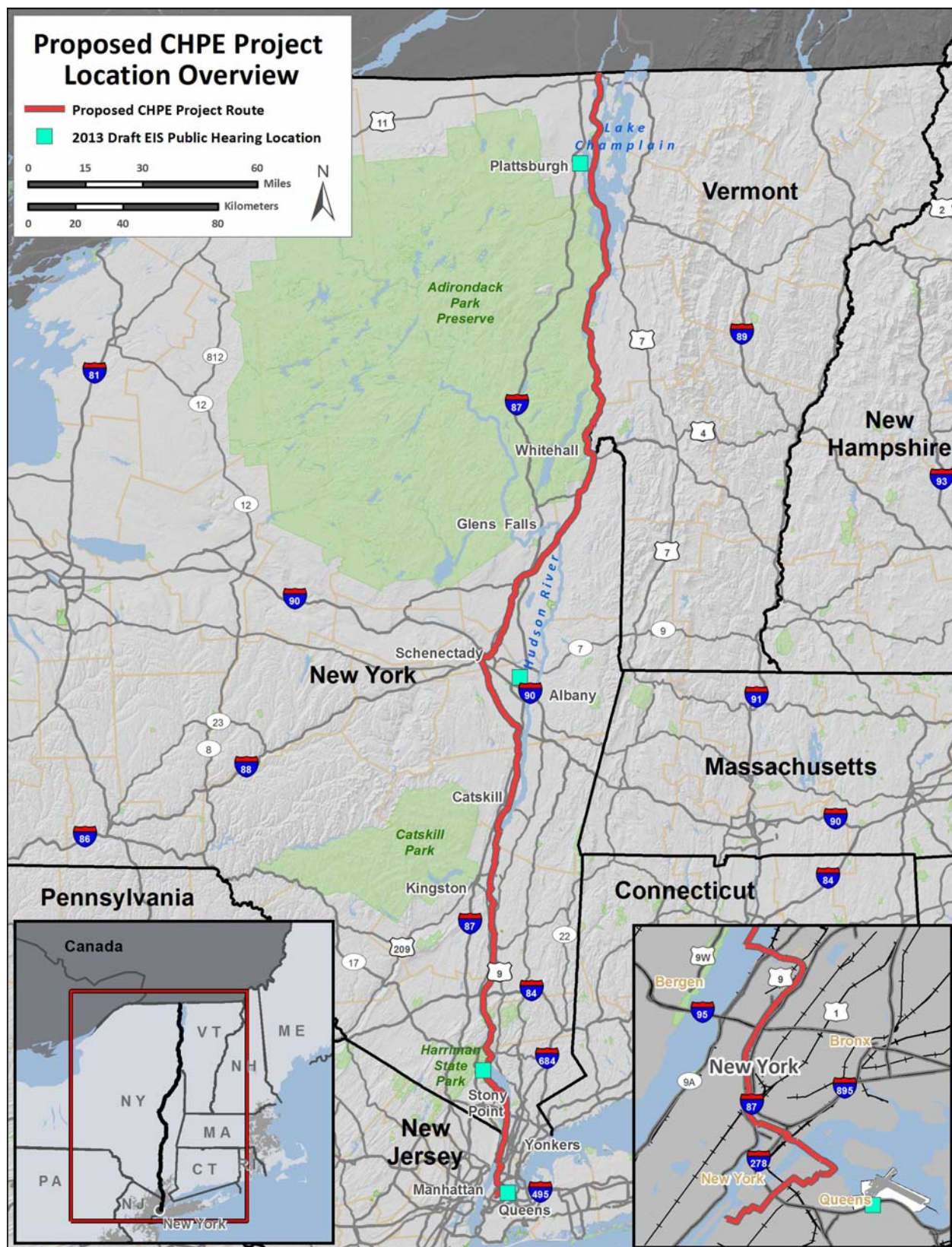
The proposed CHPE Project would include construction, operation, and maintenance of an approximately 336-mile (541-kilometer [km])-long, 1,000-megawatt (MW), high-voltage electric power transmission system that would have aquatic (underwater) and terrestrial (underground) portions (see **Figure P-1**). The underwater portions of the transmission line would be buried in the beds of Lake Champlain and the Hudson, Harlem, and East rivers, and the terrestrial portions of the transmission line would be buried underground, principally in road and railroad rights-of-way (ROWs). The presentation of the analysis in the Environmental Impact Statement (EIS) divided the transmission line route into four geographically logical segments: Lake Champlain Segment, Overland Segment, Hudson River Segment, and New York City Metropolitan Area Segment.

The transmission system would consist of one 1,000-MW, high-voltage direct current (HVDC) transmission line and ancillary aboveground facilities, including a direct current (DC) to alternating current (AC) converter station and cooling stations at selected locations where required. The transmission line would be a bipole consisting of two transmission cables, one positively charged and the other negatively charged. A new HVDC converter station would be constructed in Queens, New York, to convert the electrical power from DC to AC and then connect to two points of interconnection (POIs) within the New York City electrical grid. Cooling stations would be installed along the terrestrial portions of the transmission line route in certain locations to disperse accumulated heat in long cable segments installed by horizontal directional drilling (HDD).

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<sup>1</sup> CHPEI is a joint venture of TDI–USA Holdings Corporation (TUHC), a Delaware corporation, and National Resources Energy, LLC. TUHC, the majority shareholder in CHPEI (75 percent), is a subsidiary of Transmission Developers Inc. (TDI), a Canadian Corporation. National Resources Energy is a wholly owned subsidiary of National RE/sources Group, a limited liability corporation duly organized under the laws of the State of Connecticut. TDI’s lead investor is the Blackstone Group, an energy investment company.

<sup>2</sup> TDI submitted amendments to the proposed route in its original application on August 5, 2010; July 7, 2011; and February 28, 2012.



This document constitutes the Final EIS Comment Response Document on the *Champlain Hudson Power Express Project Environmental Impact Statement*. The Draft EIS and all other documents associated with the EIS are available on the CHPE EIS Web site at <http://www.chpexpresseis.org>.

## 1.2 History of Public Outreach and Comment Process

On June 18, 2010, DOE issued the *Notice of Intent to Prepare an Environmental Impact Statement and to Conduct Public Scoping Meetings, and Notice of Floodplains and Wetlands Involvement; Champlain Hudson Power Express, Inc.* (75 *Federal Register* 34720), and conducted public scoping from June 18, 2010, to August 2, 2010.

On February 28, 2012, TDI submitted an amendment to the Presidential permit application that reflected changes to the proposed transmission line route. The proposed changes were the result of settlement negotiations among New York State agencies, CHPEI, CHPE Properties, Inc., and other stakeholders as part of the project review under Article VII of the New York State Public Service Law. The amendment is referred to as the Joint Proposal. In response to submission of the Joint Proposal, DOE published an *Amended Notice of Intent to Modify the Scope of the Environmental Impact Statement for the Champlain Hudson Power Express Transmission Line Project in New York State* (77 *Federal Register* 25472) (Amended Notice of Intent) on April 30, 2012, and accepted public comments from April 30, 2012, to June 14, 2012. DOE also stated that it would consider comments submitted after June 14, 2012, to the extent practicable. In the Amended Notice of Intent, DOE stated that it did not intend to hold further public scoping meetings, but recognized that comments provided by the public during the New York State Public Service Commission's (NYSPSC) April 2012 public statement hearings might be relevant to the NEPA scoping process. Therefore, DOE explained that it "intends to review the Commission's April public hearing statement transcripts and consider them, to the extent matters relevant to the Federal environmental review process arise, as scoping comments for the purposes of the EIS."

On April 18, 2013, the NYSPSC issued an order granting the Certificate of Environmental Compatibility and Public Need (Certificate) for the proposed CHPE Project. DOE reviewed and this EIS analyzed the proposed CHPE Project as amended by the Joint Proposal and the Certificate.

DOE provided a 45-day public review period starting November 1, 2013, which was extended for an additional 30 days and ended on January 15, 2014, and held public hearings for the Draft EIS. The public review period was initiated through publication of a Notice of Availability (NOA) in the *Federal Register* by the U.S. Environmental Protection Agency (USEPA) (see **Attachment 1**). The NOA was also sent to interested parties, including Federal, state, and local officials; regulatory agency representatives; stakeholder organizations; and private individuals in the vicinity of the proposed transmission line. The NOA was published in 17 New York newspapers with distribution along the proposed transmission line (see **Table P-1**). Issuance of the NOA commenced a 45-day public comment period on the Draft EIS that was initially announced to end on December 16, 2013. The NOA noted that comments submitted after the deadline "would be considered to the extent practicable." Subsequently, in response to requests from members of the public, DOE announced that it would extend the public comment period on the Draft EIS an additional 30 days to January 15, 2014 (78 *Federal Register* 76140) (see **Attachment 1**). **Attachment 2** contains an example of the NOA published in the newspapers.

During the public comment period on the Draft EIS, DOE conducted four public hearings: one in Astoria, Queens, New York; two within the Hudson River Valley corridor; and one in the Lake Champlain region. **Figure P-1** provides an overview of the route of the proposed transmission line along with an identification of the locations where the public hearings were held. The hearings occurred between November 18 and November 20, 2013, as noted in **Table P-2**.

**Table P-1. Newspaper Publication Dates and Area of Distribution for the Draft EIS**

<b>Newspaper</b>	<b>Area of Distribution</b>	<b>Publication Date(s)</b>
<b>Lake Champlain Segment</b>		
<i>The Press Republican</i>	Clinton and Essex counties	November 5 and 6, 2013
<i>Lake Champlain Weekly</i>	Clinton, Essex, and Franklin counties	November 6, 2013
<b>Overland Segment</b>		
<i>Albany Times Union</i>	Albany, Rensselaer, Saratoga, and Schenectady counties	November 5 and 6, 2013
<i>The Chronicle</i>	Saratoga to North Creek (Washington and Warren counties)	November 7, 2013
<i>The Daily Gazette</i>	Albany, Fulton, Montgomery, Schenectady, Saratoga, Rensselaer, and Schoharie counties	November 5, 2013
<i>The Daily Mail</i>	Greene County and Catskills Region	November 5, 2013
<i>Register Star</i>	Columbia County and Hudson Valley	November 5, 2013
<i>The Saratogian</i>	Saratoga County	November 5, 2013
<i>The Post Star</i>	Adirondack Region	November 5, 2013
<b>Hudson River Segment</b>		
<i>The Journal News</i>	Westchester, Putnam, and Rockland counties	November 4, 2013
<i>Rockland County Times</i>	Rockland County	November 7, 2013
<i>Times Herald Record</i>	Orange and Ulster counties	November 4, 2013
<i>Rising Media Group</i>	Westchester County	November 4, 2013
<i>Kingston Times</i>	Dutchess and Ulster counties	November 4, 2013
<b>New York City Metropolitan Area Segment</b>		
<i>am New York</i>	Nassau and Suffolk counties, and New York City	November 4, 2013
<i>New York Post</i>	New York City	November 4, 2013
<i>New York Daily News</i>	New York City	November 4, 2013

**Table P-2. Dates and Locations of the Public Hearings on the Draft EIS**

<b>Meeting Date</b>	<b>Location</b>	<b>Number of Attendees/Registered</b>	<b>Number of Commenters</b>
November 18, 2013	LaGuardia Courtyard by Marriott, Astoria, Queens, NY	40/26	3
November 18, 2013	Stony Point Center, Stony Point, NY	215/197	27
November 19, 2013	Holiday Inn, Albany, NY	68/65	11
November 20, 2013	West Side Ballroom, Plattsburgh, NY	41/39	4

The hearings provided the public with the opportunity to provide verbal comments in-person at the hearings, and their comments were transcribed by a court stenographer. Transcripts of the public hearings are provided in **Attachment 3**. In addition, DOE received written comment letters or emails from private citizens, government agencies, and nongovernmental organizations. A copy of the comment letters received during the open comment period and written materials submitted for the record at the public hearings are also included in **Attachment 3**. The transcripts and comment letters are also available on the CHPE EIS Web site at <http://www.chpexpreseis.org>.

### 1.3 Cooperating Agencies

DOE invited several Federal and state agencies to participate as cooperating agencies in the preparation of the EIS to ensure that the EIS meets the NEPA and other regulatory requirements of those agencies and to engage the agencies' specialized expertise. Region 2 of the USEPA, the New York District of the U.S. Army Corps of Engineers (USACE), and the New York Field Office (Region 5) of the U.S. Fish and Wildlife Service (USFWS) are Federal cooperating agencies. In addition, the New York State Department of Public Service (NYSDPS) and the New York State Department of Environmental Conservation (NYSDEC) are cooperating agencies in the development of the proposed CHPE Project EIS. The DOE has the authority to issue the Presidential permit for the international border crossing; the USACE issues Clean Water Act Section 404 permits; and the State of New York has the authority to approve siting, construction, and operation of transmission lines in the state. No local agencies or Native American tribes were invited or made a request to participate as cooperating agencies.

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## 2. Agency and Public Comments on the Draft EIS

A variety of issues and concerns were raised during the public review period. DOE considered all comments in preparing the Final EIS. This section presents the comment documents received during the public comment process, including transcripts of comments provided during the four public hearings on the Draft EIS. Each comment document has been assigned a numerical designation (e.g., 200), and each delineated (i.e., bracketed) comment within a comment document is marked by a bar in the margin and a unique comment number (e.g., 200-01). Responses to delineated comments are displayed to the right of the comment.

Comments are divided into separate categories, as follows:

- Transcripts from the November 2013 Draft EIS public hearings (100 series; 45 comment documents)
- Federal agencies (200 series; 5 comment documents)
- Federal and state elected officials (300 series; 6 comment documents)
- State agencies (400 series; 3 comment documents)
- Local elected officials (500 series; 4 comment documents)
- Local agencies (600 series; 2 comment documents)
- Stakeholder groups (700 series; 22 comment documents)
- Other groups and members of the public (800 series; 20 comment documents).

DOE responded to written and verbal comments from a total of 107 government officials, organizations, and individuals. DOE responded to those comments that are within the scope of and relevant to the analysis within this EIS.

**Table P-3** provides a list of commenters who provided verbal or written comments during the Draft EIS comment period.

**Table P-4** provides a list of examples of major representative issues and concerns submitted during the Draft EIS public comment period, catalogued by general topic. All comments received are presented in **Attachment 3** of this Comment Response Document, together with DOE's responses.

**Table P-5** identifies substantive revisions made from the Draft EIS to the Final EIS due to agency and public comments.

**Table P-3. Draft EIS Commenters**

<b>Commenter Number</b>	<b>Commenter Name</b>	<b>Commenter Agency or Organization</b>
<b>Public Hearing Commenters</b>		
<b>101</b>	Thomas Ryan	International Brotherhood of Boilermakers (IBB) – Local Lodge No. 5
<b>102</b>	Vincent Albanese	New York State Laborers (NYSL)
<b>103</b>	Richard Thomas	New York Affordable Reliable Electricity Alliance (NY AREA)
<b>104</b>	Douglas Jobson	Rockland County Legislature
<b>105</b>	Thomas Basile	Stony Point Town Council
<b>106</b>	Geoffrey Finn	Stony Point Town Supervisor
<b>107</b>	Annie Wilson	New York Environmental Law and Justice Project
<b>108</b>	Dean Tamburri	Laborers’ International Union of North America (LIUNA) – Local 17
<b>109</b>	Susan Filgueras	Stony Point Action Committee for the Environment (SPACE)
<b>110</b>	Frank Collier	SPACE
<b>111</b>	Stephen Reich	LIUNA – Local 754
<b>112</b>	Wellington Casscles	Private Citizen
<b>113</b>	Rebecca Casscles	Private Citizen
<b>114</b>	Hayley Carlock	Scenic Hudson
<b>115</b>	Laurie Cozza	Private Citizen
<b>116</b>	Katherine Redmond	Private Citizen
<b>117</b>	Steven Ludwigson	IBB – Local Lodge No. 5
<b>118</b>	Brian McPartland	International Brotherhood of Electrical Workers (IBEW) – Local Union 503
<b>119</b>	Mary Ellen Furlong	Private Citizen
<b>120</b>	Breda Beckerle	Private Citizen
<b>121</b>	Timothy Waldron	Private Citizen
<b>122</b>	Robert Knight	Private Citizen
<b>123</b>	Barry Brooks	Sons of the American Revolution
<b>124</b>	Richard Thomas	NY AREA
<b>125</b>	Stephen Beckerle	Private Citizen
<b>126</b>	Jacquelyn Drechsler	Sierra Club
<b>127</b>	Michael Diederich	Private Citizen
<b>128</b>	Alex Guarino	Town of Haverstraw



<b>Commenter Number</b>	<b>Commenter Name</b>	<b>Commenter Agency or Organization</b>
<b>Public Hearing Commenters (continued)</b>		
<b>129</b>	Jim McDonnell	Town of Stony Point
<b>130</b>	Luanne Konopka	Town of Stony Point
<b>131</b>	Anthony Fresina	LIUNA – Local Union 190
<b>132</b>	Carol Tansey	Private Citizen
<b>133</b>	Tom Ellis	Citizens’ Environmental Coalition
<b>134</b>	Paul Capel	Hudson River Pilots Association
<b>135</b>	Sandy Steubing	Private Citizen
<b>136</b>	Jessica Semon	Private Citizen
<b>137</b>	Steven Ludwigson	IBB – Local Lodge No. 5
<b>138</b>	Lavar Smith	IBB – Local Lodge No. 5
<b>139</b>	Jürgen Wekerle	Sierra Club
<b>140</b>	Susan Lawrence	Sierra Club
<b>141</b>	Phil Wilcox	IBEW – Local Union 97
<b>142</b>	Bill Wellman	New York State Council of Trout Unlimited
<b>143</b>	Jeffery Kellogg	International Union of Operating Engineers (IUOE) – Local No. 158
<b>144</b>	John Donoghue	LIUNA – Local 196
<b>145</b>	Ben Mainville	LIUNA
<b>Federal Agency Commenters</b>		
<b>201</b>	Andrew Raddant	U.S. Department of the Interior (DOI)/USFWS
<b>202</b>	Judy-Ann Mitchell	USEPA
<b>203</b>	W.A. Muilenburg	U.S. Coast Guard (USCG)
<b>204</b>	John Bullard	National Marine Fisheries Service (NMFS)
<b>205</b>	Stephen Ryba	USACE
<b>Federal and State Elected Officials</b>		
<b>301</b>	Nita Lowey	U.S. Congress – New York’s 17 <sup>th</sup> District
<b>302</b>	Annie Rabbit	New York State Assembly – District 98
<b>303</b>	David Carlucci	New York State Senate – 38 <sup>th</sup> Senate District
<b>304</b>	William J. Larkin, Jr.	New York State Senate – 39 <sup>th</sup> Senate District
<b>305</b>	James Skoufis	New York State Assembly – District 99
<b>306</b>	Kenneth Zebrowski	New York State Assembly – District 96
<b>State Agency Commenters</b>		
<b>401</b>	Brian Yates	New York State Historic Preservation Office (SHPO)
<b>402</b>	Javier Bucobo	New York Power Authority (NYPA)

<b>Commenter Number</b>	<b>Commenter Name</b>	<b>Commenter Agency or Organization</b>
<b>State Agency Commenters (continued)</b>		
<b>403</b>	Jay Goodman	Couch-White, LLC, on behalf of NYSDPS, New York State Adirondack Park Agency (NYSAPA), and City of New York City
<b>Locally Elected Officials</b>		
<b>501</b>	Thomas Basile	Stony Point Town Council
<b>502</b>	Edwin Day	Rockland County Legislature
<b>503</b>	Howard T. Phillips, Jr.	Town of Haverstraw
<b>504</b>	Douglas Jobson	Rockland County Legislature
<b>Local Agency Commenters</b>		
<b>601</b>	Wesley O'Brien	City of New York
<b>602</b>	Kevin Maher Six other comment letters only transmitting the 2012 Rockland County Legislature resolution regarding the proposed CHPE Project that was attached to the letter from this commenter were provided by the following private citizens: Frank Collyer Breda Beckerle (two different times) "Jillian and Sean" Jennifer Lima Stephen Beckerle	Stony Point Town Engineer       Private Citizens
<b>Stakeholder Group Commenters</b>		
<b>701</b>	Eric Johansson	Maritime Association of the Port of New York and New Jersey – Tug & Barge Committee (MAPNYNJ-TBC)
<b>702</b>	Stephen Reich	LIUNA – Local 754
<b>703</b>	Thomas Ryan	IBB – Local Lodge No. 5
<b>704</b>	Steven Ludwigson	IBB – Local Lodge No. 5
<b>705</b>	Joe Mirabile	NYSL
<b>706</b>	Vincent Albanese	NYSL
<b>707</b>	Paul Steidler	NY AREA
<b>708</b>	Arthur Kremer	NY AREA
<b>709</b>	Steven Ludwigson	IBB – Local Lodge No. 5
<b>710</b>	Albany Laborers' Union	Albany Laborers' Union
<b>711</b>	Tom Ellis	Citizens' Environmental Coalition
<b>712</b>	Jürgen Wekerle	Sierra Club

Commenter Number	Commenter Name	Commenter Agency or Organization
<b>Stakeholder Group Commenters (continued)</b>		
<b>713</b>	Timothy R. Muller	IUOE – Local 825
<b>714</b>	Garry Douglas	Plattsburgh North Chamber of Commerce
<b>715</b>	Brian Buel	IBEW
<b>716</b>	Eric Johansson	MAPNYNJ-TBC
<b>717</b>	Edward Kelly	MAPNYNJ
<b>718</b>	Tim Waldron	Ba-Mar Community
<b>719</b>	James Slevin	Utility Workers Union
<b>720</b>	Mike Winslow	Lake Champlain Committee
<b>721</b>	Haley Carlock and Phillip Musegaas	Scenic Hudson
<b>722</b>	John Harms	American Waterways Operators
<b>Other Groups and Members of the Public</b>		
<b>801</b>	Roger Jennings	R. Jennings Manufacturing
<b>802</b>	Kathi Ellick	Private Citizen
<b>803</b>	Susan Filgueras	SPACE
<b>804</b>	Rebecca Casscles	Private Citizen
<b>805</b>	Stephen Beckerle	Private Citizen
<b>806</b>	Sandy Steubing	Private Citizen
<b>807</b>	Jim Fitzgerald	Private Citizen
<b>808</b>	Carolyn Stuetzle	Private Citizen
<b>809</b>	Diane Reichert A similar form letter was provided by 14 other commenters: Jeanette Strassburg Carolyn Stuetzle Paul Tirc Felipa Watts Lilly Ann Wilson Celia Velez Joe Velez Jean Bellon Ann Sheridan Marguerite Rogers Elsie Nissen Anna Crispino Joyce Robinson Thomas Robinson	Private Citizens

<b>Commenter Number</b>	<b>Commenter Name</b>	<b>Commenter Agency or Organization</b>
<b>Other Groups and Members of the Public (continued)</b>		
<b>810</b>	Wellington and Rebecca Casscles	Private Citizens
<b>811</b>	Nicolas Graver	Private Citizen
<b>812</b>	Jason Wisneski	Dann Marine Towing
<b>813</b>	Bryan LaVigne	Private Citizen
<b>814</b>	Todd Jones	Private Citizen
<b>815</b>	Sylvain Clermont	HydroQuebec
<b>816</b>	Wellington Casscles	Private Citizen
<b>817</b>	Lael J. Paulson	American Sugar Refining
<b>818</b>	Laurrie Cozza	Private Citizen
<b>819</b>	Susan Filgueras	Private Citizen
<b>820</b>	William Hurst	Entergy

Table P-4. Summary of Agency and Public Comments on the Draft EIS

Subject Area	Comment Summary
<b>NEPA Process</b>	<p><b>Public Involvement.</b> Several comments requested an extension of the public comment period on the Draft EIS due to the length of the EIS and potentially complicated issues addressed in the document. Comments also expressed concern that notification and outreach were not provided to local Hispanic communities, nor were materials provided in Spanish. Comments also noted that property owners along the proposed CHPE Project route were not notified of the CHPE Project or the public hearings.</p> <p><b>Public Hearings.</b> Some comments indicated the commenters were unable to confirm the hearing at the Stony Point Center, and other comments questioned the appropriateness of public hearing venues in Queens and Stony Point.</p>
<b>Proposed Project</b>	<p><b>Burial Depths.</b> Burial depth of the proposed CHPE Project should be revised to match those identified in the USACE Public Notice.</p> <p><b>Additional Information.</b> Comments requested additional information and analysis of impacts from blasting, use of concrete mats, backfilling, construction schedule timing, and construction vessel speed and draft in aquatic portions of the proposed CHPE Project route.</p> <p><b>Project Route Alternatives.</b> Many comments, especially from those in Stony Point, New York, questioned why the proposed CHPE Project route was removed from the Hudson River and moved onto land in the Hudson River Segment, and suggested moving the terrestrial portion of the proposed CHPE Project route in this segment back into the Hudson River. Some comments stated that the impacts of the terrestrial route in the Hudson River Segment were not analyzed in the EIS. Other comments stated that the proposed CHPE Project route changed and these portions of the route were not analyzed in the EIS.</p> <p><b>Other Alternatives.</b> Several comments stated that instead of the proposed CHPE Project, energy conservation and efficiency measures should be implemented and the power should be produced locally in New York State through renewable energy projects, distributed generation, existing power plants in upstate New York or in the Hudson Valley Region, or by constructing new power plants in New York State. Another comment suggested an alternative to keep the proposed CHPE Project outside of the Federal navigation channel in the Hudson River.</p> <p><b>Elimination of Alternatives.</b> One comment stated that previously proposed alternatives to the proposed CHPE Project were eliminated due primarily to cost as compared to other merit-based factors.</p> <p><b>Discrepancy with Previous Information Provided by the Applicant.</b> Several comments noted that information presented in the EIS was different from information previously provided by the Applicant.</p> <p><b>General Opposition/Adverse Effects.</b> Many comments were generally opposed to the proposed CHPE Project. Many of these comments expressed specific opposition to the terrestrial portion of the proposed CHPE Project in the Hudson River Segment, and thought it would have adverse environmental effects. Other comments in opposition to the proposed CHPE Project stated that it would not be beneficial to the New York State energy grid/infrastructure or consumers.</p> <p><b>General Support/Beneficial Effects.</b> Some comments expressed support for the proposed CHPE Project, primarily due to jobs created in New York State during construction and operation of the transmission line.</p>

Subject Area	Comment Summary
<b>Land Use</b>	<p><b>Encroachment Outside of Right-of-Way.</b> Comments expressed concern that portions of the proposed CHPE Project route would be outside of the existing road and railroad ROWs in deviation areas, which would require the taking of private property, including residential and commercial properties, through eminent domain. Some comments also expressed concern that the presence of the transmission line could limit use of some private property.</p> <p><b>Forever Wild Clause.</b> One comment stated that the proposed CHPE Project would violate the “Forever Wild” clause by crossing through Adirondack Park and other New York State parks.</p>
<b>Transportation and Traffic</b>	<p><b>Navigation.</b> Several comments expressed concern that the proposed transmission line would be installed within the Federal navigation channel in various locations, which could prevent some vessels from deploying anchors due to risk of anchor damage, or could result in anchor snags on the transmission cables or concrete mats used to cover portions of the transmission line that cannot be installed underground.</p> <p><b>Anchorage Prohibitions.</b> Comments noted that vessel anchorage prohibitions over the aquatic transmission line ROW should not be part of the proposed CHPE Project and should be removed from the EIS.</p> <p><b>Effect on Dredging.</b> Comment expressed concern that the presence of the transmission line would prevent dredging of the Federal navigation channel or other locations along the Hudson River, such as a new port or industrial facility.</p>
<b>Water Resources and Quality</b>	<p><b>Water Resources.</b> One comment noted that after 2.5 years of study, it found the proposed CHPE Project would have minimal impact on lakes, rivers, and waters.</p> <p><b>Water Quality.</b> One comment expressed concern that installation of the proposed transmission line would resuspend polychlorinated biphenyls (PCBs) in the Hudson River.</p>
<b>Aquatic and Terrestrial Habitats and Species</b>	<p><b>Aquatic Resources.</b> One comment stated that beneficial effects on aquatic resources would result by avoiding Haverstraw Bay. Additional impacts would be avoided by complying with construction windows and exclusion zones.</p> <p><b>Concrete Mats.</b> A few comments requested discussion of potential impacts from concrete mats on Significant Coastal Fish and Wildlife Habitats (SCFWHs) and invasive species.</p>
<b>Aquatic and Terrestrial Protected and Sensitive Species</b>	<p><b>Species Proposed for Listing.</b> One comment stated that it would be beneficial to add species proposed for listing under the Endangered Species Act (e.g., northern long-eared bat) in the EIS.</p>
<b>Wetlands</b>	<p><b>Wetlands.</b> Comments expressed concerns for wetlands along the proposed CHPE Project route, particularly in the terrestrial portion of the Hudson River Segment, and stated that impacts on wetlands were not sufficiently analyzed.</p>
<b>Geology and Soils</b>	<p><b>Seismicity.</b> Comments questioned the impacts of a potential seismic event on the proposed CHPE Project, and noted that the transmission line would cross the Ramapo Fault.</p>
<b>Cultural Resources</b>	<p><b>Cultural Resources.</b> Several comments were concerned that the proposed CHPE Project route would cross and disrupt the Waldron Cemetery and Stony Point Battlefield Historic Park.</p>

Subject Area	Comment Summary
<b>Visual Resources</b>	<b>Visual Impacts.</b> Comments expressed concern about adverse visual impacts from the proposed CHPE Project, particularly in Stony Point, New York, and New York State parks, during construction and operation of aboveground facilities.
<b>Infrastructure</b>	<b>Utility Pipelines.</b> Comments expressed concern that installation of the proposed transmission line could damage existing wastewater or natural gas pipelines.
<b>Recreation</b>	<b>Recreation Impacts.</b> Comments expressed concern about adverse impacts on New York State parks from the proposed CHPE Project, and possibly recreational uses of waterways during CHPE Project installation activities.
<b>Public Health and Safety</b>	<b>Security.</b> Comments questioned the adverse security impacts from an increased risk of terrorism associated due to the presence of the proposed CHPE Project. <b>Public Safety.</b> Comments expressed concern about the proposed CHPE Project being adjacent to railroads that transport hazardous materials, and where trains could derail and affect the transmission line. <b>Magnetic Fields.</b> A few comments questioned the impacts of magnetic fields resulting from the proposed transmission line.
<b>Hazardous Materials and Wastes</b>	<b>Hazardous Wastes.</b> One comment expressed concern about the proposed CHPE Project's proximity to the Kay-Fries National Priorities List Superfund site and brownfields and other industrial sites in Stony Point and Haverstraw. <b>Contaminated Soil.</b> Comments expressed concern that installation of the proposed transmission line would encounter contaminated soil within terrestrial portions of the route.
<b>Air Quality</b>	<b>Air Quality.</b> One comment stated the proposed CHPE Project would use clean, hydropower that would reduce air emissions; however, another comment stated that air quality impacts are unknown because impacts in Canada and the impacts of hydropower on climate change were not analyzed. <b>Calculations.</b> One comment noted a possible error in calculation of emissions factors for proposed vessels and equipment.
<b>Socioeconomics</b>	<b>Employment.</b> Some comments stated that the proposed CHPE Project would result in additional local employment and other economic benefits in New York State, while other commenters expressed concerns that the project would outsource jobs from New York State to a foreign county, lead to the reduction of in-state employment (including some due to closing of existing power plants), and increase the U.S. dependence on foreign energy. Comments stated there would be no long-term socioeconomic benefit from the proposed CHPE Project because minimal permanent jobs would be created. <b>Property Value.</b> Comments expressed concern that the proposed CHPE Project would decrease property values, including residential and commercial properties, and reduce revenue from taxes to local jurisdictions. <b>Utility Savings.</b> Comments stated that the proposed CHPE Project would not benefit rate payers and consumers, but would increase utility costs to consumers.
<b>Mitigation/Best Management Practices</b>	<b>Aquatic Best Management Practices (BMPs).</b> One comment noted that pre- and post-installation monitoring would ensure aquatic resource protection. Another comment suggested use of mid-line buoys in instances where anchors are deployed by construction vessels to prevent anchor sweeps. <b>Environmental Protection.</b> One comment noted that the environmental protections included in the proposed CHPE Project appear to be sufficient and comprehensive.

Subject Area	Comment Summary
<b>Cumulative Impacts</b>	<p><b>Additional Cumulative Projects.</b> Comments suggested that the proposed CHPE Project would inhibit future economic development projects such as redevelopment of the Stony Point waterfront. Comments requested analysis of additional cumulative projects, including the redevelopment of the Stony Point, New York, waterfront, Spectra-Algonquin Incremental Market Natural Gas Pipeline project, New England Clean Power Link, and the U.S. Military Academy West Point Net Zero Initiative.</p> <p><b>Other.</b> One comment suggested that the proposed CHPE Project would be the precursor to other linear transmission projects using the same ROWs, which would result in the expansion of the ROW.</p>
<b>Other Issues</b>	<p><b>New York State Energy Grid.</b> Comments stated that the proposed CHPE Project would not be in the National Interest and would be detrimental to the existing energy grid in New York State because existing power plants and renewable energy projects would not be able to connect to the transmission line, and it would not strengthen the New York State transmission system. Existing energy capacity is not being effectively used, and addition of the proposed CHPE Project would not improve this situation. Instead of implementing the proposed CHPE Project, existing energy infrastructure should be upgraded and other projects developed. Comments expressed concern that the proposed CHPE Project would prevent proposed energy projects in New York State, such as renewable/green energy projects, projects at the Bowline and Lovett power plant sites, and the New York City Solar Roofs program.</p> <p><b>Energy Policy.</b> Comments stated the proposed CHPE Project should be analyzed within the context of state and regional energy policies, including the New York State Energy Highway Blueprint.</p> <p><b>Impacts in Canada.</b> Comments stated that impacts in Canada should be addressed in the EIS, and without this analysis the EIS does not address potential impacts of the entire proposed CHPE Project.</p>



Table P-5. Summary of Substantive Revisions to the Draft EIS

EIS Section	Revision to Draft EIS
<b>Volume I: Impact Analysis</b>	
<b>Front Matter</b>	<ul style="list-style-type: none"> <li>Updated cover sheet and table of contents.</li> </ul>
<b>Summary</b>	<ul style="list-style-type: none"> <li>Updated the Summary to be consistent with the Final EIS, including updated information on the proposed CHPE Project, figures, and summary of impacts, including Table S-1.</li> </ul>
<b>1. Purpose of and Need for the Proposed Action</b>	<ul style="list-style-type: none"> <li>Added 2013 Draft EIS public hearing locations to Figure 1-1.</li> <li>Clarified the anticipated allocation of transmission capacity of the proposed CHPE Project between hydropower and other sources.</li> <li>Updated information on public participation and public involvement, primarily to include a description of the Draft EIS public review period and summarize comments received on the Draft EIS.</li> <li>Clarified roles of some cooperating agencies. Updated the potential permits, approvals, and authorizations needed for the proposed CHPE Project.</li> <li>Updated information regarding the Canadian environmental review process.</li> <li>Added new appendices.</li> </ul>
<b>2. Proposed Action and Alternatives</b>	<ul style="list-style-type: none"> <li>Made minor changes to legends in Figures 2-1 through 2-4.</li> <li>Clarified one of the conditions in the New York State Department of State (NYSDOS) conditional concurrence of the consistency certification for the New York State Coastal Management Program based on subsequently received information.</li> <li>Updated minimum transmission line burial depth information.</li> <li>Added description of blasting in the Harlem River.</li> <li>Clarified that installation of the proposed transmission line would occur via HDD under the East River.</li> <li>Added distance of concrete mats in each segment.</li> <li>Added description of transition, or splice, vaults.</li> <li>Added information regarding temperatures at which the proposed transmission line is designed to operate.</li> <li>Provided explanation of how and why underwater construction work schedule windows were developed.</li> <li>Updated some mileposts in Table 2-2.</li> <li>Provided description of vessel anchorage during installation activities.</li> <li>Clarified trench dimensions.</li> <li>Added information regarding typical drafts of installation barges.</li> <li>Added description of decommissioning of the proposed CHPE Project.</li> <li>Provided reasons why alternatives were eliminated from further consideration in the EIS.</li> <li>Similar revisions identified in Summary were also made in Section 2.6.</li> </ul>
<b>3. Affected Environment</b>	
<b>Land Use</b>	<ul style="list-style-type: none"> <li>Clarified that the proposed CHPE Project would comply with all local zoning ordinances in Section 3.1.1.</li> </ul>

EIS Section	Revision to Draft EIS
<b>Volume I: Impact Analysis (continued)</b>	
<b>Transportation and Traffic</b>	<ul style="list-style-type: none"> <li>No substantive changes were made to the Transportation and Traffic resource area (Sections 3.1.2, 3.2.2, 3.3.2, and 3.4.2).</li> </ul>
<b>Water Resources</b>	<ul style="list-style-type: none"> <li>Updated the acreage of Zone A floodplains the proposed CHPE Project would cross in the terrestrial portion of the Hudson River Segment in Section 3.3.3.</li> </ul>
<b>Aquatic Habitats and Species</b>	<ul style="list-style-type: none"> <li>Moved discussion of Catskill Creek SCFWH from Section 3.3.4 (Hudson River Segment) to Section 3.2.4 (Overland Segment).</li> <li>Added scup to Table 3.3.4-1.</li> <li>Added Haverstraw Bay SCFWH to list of SCFWHs that would be within 1 mile of the proposed CHPE Project in the Hudson River Segment in Section 3.3.4.</li> <li>Clarified that the proposed CHPE Project would cross the Lower Hudson Reach SCFWH in the New York City Metropolitan Area Segment in Section 3.4.4.</li> </ul>
<b>Aquatic Protected and Sensitive Species</b>	<ul style="list-style-type: none"> <li>Clarified that the proposed transmission line would be installed under the East River via HDD in Section 3.4.5.</li> </ul>
<b>Terrestrial Habitats and Species</b>	<ul style="list-style-type: none"> <li>No changes were made to the Terrestrial Habitats and Species resource area (Sections 3.1.6, 3.2.6, 3.3.6, and 3.4.6).</li> </ul>
<b>Terrestrial Protected and Sensitive Species</b>	<ul style="list-style-type: none"> <li>Added northern long-eared bat and associated background information to Sections 3.1.7, 3.2.7, 3.3.7, and 3.4.7.</li> <li>Updated information regarding small whorled pogonia in Sections 3.2.7 and 3.3.7.</li> <li>Added red knot and associated background information to Section 3.4.7.</li> </ul>
<b>Wetlands</b>	<ul style="list-style-type: none"> <li>Clarified that the proposed CHPE Project would not cross wetlands in the Esopus Estuary SCFWH in the Hudson River Segment in Section 3.3.8.</li> </ul>
<b>Geology and Soils</b>	<ul style="list-style-type: none"> <li>No changes were made to the Geology and Soils resource area (Sections 3.1.9, 3.2.9, 3.3.9, and 3.4.9).</li> </ul>
<b>Cultural Resources</b>	<ul style="list-style-type: none"> <li>Updated the milestone by which sites would be reexamined or formally surveyed by the Applicant in Sections 3.1.10, 3.2.10, 3.3.10, and 3.4.10.</li> <li>Updated the milestone by which sites would be determined eligible for listing in the NRHP in Section 3.4.10.</li> <li>Added discussion that the Applicant would conduct archaeological monitoring during construction for those portions of the proposed CHPE Project in existing surface streets in the New York City Metropolitan Area Segment where archaeological surveys might not be practicable or warranted prior to construction in Section 3.4.10.</li> </ul>
<b>Visual Resources</b>	<ul style="list-style-type: none"> <li>No changes were made to the Visual Resources resource area (Sections 3.1.11, 3.2.11, 3.3.11, and 3.4.11).</li> </ul>
<b>Infrastructure</b>	<ul style="list-style-type: none"> <li>No changes were made to the Infrastructure resource area (Sections 3.1.12, 3.2.12, 3.3.12, and 3.4.12).</li> </ul>
<b>Recreation</b>	<ul style="list-style-type: none"> <li>No substantive changes were made to the Recreation resource area (Sections 3.1.13, 3.2.13, 3.3.13, and 3.4.13).</li> </ul>
<b>Public Health and Safety</b>	<ul style="list-style-type: none"> <li>No substantive changes were made to the Public Health and Safety resource area (Sections 3.1.14, 3.2.14, 3.3.14, and 3.4.14).</li> </ul>

EIS Section	Revision to Draft EIS
<b>Volume I: Impact Analysis (continued)</b>	
<b>Hazardous Materials and Wastes</b>	<ul style="list-style-type: none"> <li>No changes were made to the Hazardous Materials and Wastes resource area (Sections 3.1.15, 3.2.15, 3.3.15, and 3.4.15).</li> </ul>
<b>Air Quality</b>	<ul style="list-style-type: none"> <li>No changes were made to the Air Quality resource area (Sections 3.1.16, 3.2.16, 3.3.16, and 3.4.16).</li> </ul>
<b>Noise</b>	<ul style="list-style-type: none"> <li>No changes were made to the Noise resource area (Sections 3.1.17, 3.2.17, 3.3.17, and 3.4.17).</li> </ul>
<b>Socioeconomics</b>	<ul style="list-style-type: none"> <li>No changes were made to the Socioeconomics resource area (Sections 3.1.18, 3.2.18, 3.3.18, and 3.4.18).</li> </ul>
<b>Environmental Justice</b>	<ul style="list-style-type: none"> <li>No changes were made to the Environmental Justice resource area (Sections 3.1.19, 3.2.19, 3.3.19, and 3.4.19).</li> </ul>
<b>3.5 Incomplete or Unavailable Information</b>	<ul style="list-style-type: none"> <li>Deleted specific locations of concrete mats from the list of incomplete information sources and data gaps.</li> </ul>
<b>4. Environmental Consequences of the No Action Alternative</b>	<ul style="list-style-type: none"> <li>No changes were made to this section.</li> </ul>
<b>5. Environmental Consequences of the Proposed CHPE Project</b>	
<b>Land Use</b>	<ul style="list-style-type: none"> <li>Deleted text regarding prohibition of vessel anchorage in the aquatic transmission line ROW in Sections 5.1.1, 5.3.1, and 5.4.1.</li> <li>Clarified that the Applicant would not have exclusive control of the transmission line ROW, certain immediately adjacent areas, and deviation areas in Sections 5.2.1 and 5.3.1.</li> </ul>
<b>Transportation and Traffic</b>	<ul style="list-style-type: none"> <li>Updated discussion of impacts on commercial and recreational vessels from inconvenience and navigational obstacles in Sections 5.1.2, 5.3.2, and 5.4.2.</li> <li>Deleted text regarding prohibition of vessel anchorage in the aquatic transmission line ROW in Sections 5.1.2, 5.3.2, and 5.4.2.</li> <li>Added discussion of anchor snags and information regarding the Anchor Snag Manual and the associated Navigation Risk Assessment in Sections 5.1.2 and 5.3.2.</li> <li>Updated discussion of minimum burial depths in aquatic portions of the proposed CHPE Project route and use of concrete mats in Sections 5.1.2, 5.3.2, and 5.4.2.</li> <li>Added discussion of decommissioning of the proposed CHPE Project in Sections 5.1.2, 5.3.2, and 5.4.2.</li> <li>Added discussion of impacts from blasting in the Harlem River in Section 5.4.2.</li> </ul>

EIS Section	Revision to Draft EIS
<b>Volume I: Impact Analysis (continued)</b>	
<b>Water Resources</b>	<ul style="list-style-type: none"> <li>• Updated discussion of impacts from ambient temperature increase surrounding concrete mats that would result from operation of the proposed transmission line in Sections 5.1.3, 5.3.3, and 5.4.3.</li> <li>• Added discussion of extrapolating water quality modeling results for a deeper burial depth in Section 5.3.3.</li> <li>• Clarified that the proposed transmission line would be installed under the East River via HDD in Section 5.4.3.</li> <li>• Added discussion of impacts from blasting in the Harlem River in Section 5.4.3.</li> </ul>
<b>Aquatic Habitats and Species</b>	<ul style="list-style-type: none"> <li>• Added discussion of impacts from barge positioning, anchoring, anchor cable sweep, and the pontoons on the jet plow that would result in sediment disturbance in Section 5.1.4.</li> <li>• Added discussion of impacts on benthic communities from use of concrete mats in Section 5.1.4.</li> <li>• Updated discussion of impacts on fish from noise generated during installation activities, and supplemented discussion of impacts in Section 5.1.4. Deleted discussion of noise impacts that would result in injury to fish.</li> <li>• Updated discussion of impacts on benthic communities and fish from the increase of ambient sediment, sediment surface, and water temperature, including those surrounding concrete mats, due to operation of the proposed transmission line in Sections 5.1.4 and 5.3.4.</li> <li>• Added to discussion of impacts from magnetic fields on the American eel in Section 5.1.4.</li> <li>• Added discussion of impacts from magnetic fields on fish life stages, including eggs and larvae, in Sections 5.1.4 and 5.3.4.</li> <li>• Clarified discussion of SCFWHs in the Overland Segment to note that the proposed CHPE Project would cross the Catskill Creek SCFWH via bridge attachment in Section 5.2.4.</li> <li>• Clarified the temporary area of disturbance due to installation activities, including anchoring, in the Hudson River and New York City Metropolitan Area segments in Sections 5.3.4 and 5.4.4, and added that midline buoys would be used to prevent anchor chain sweeps.</li> <li>• Clarified the distance and area of concrete mats that would be used in the Hudson River and New York City Metropolitan Area segments in Sections 5.3.4 and 5.4.4, and the distance and area of concrete mats used in SCFWHs in the Hudson River Segment in Section 5.3.4.</li> <li>• Added discussion of impacts from blasting in the Harlem River in Section 5.4.4.</li> <li>• Updated discussion of SCFWHs in the New York City Metropolitan Area Segment in Section 5.4.4.</li> </ul>

EIS Section	Revision to Draft EIS
<b>Volume I: Impact Analysis (continued)</b>	
<b>Aquatic Protected and Sensitive Species</b>	<ul style="list-style-type: none"> <li>• Clarified that impacts on fish from noise generated during installation activities would be behavioral, and supplemented discussion of impacts in Sections 5.1.5 and 5.3.5. Deleted discussion of noise impacts that would result in injury to fish.</li> <li>• Added discussion of impacts from magnetic fields on fish life stages, including eggs and larvae, in Sections 5.1.5 and 5.3.5.</li> <li>• Updated discussion of the increase of ambient sediment, sediment surface, and water temperature, including those surrounding concrete mats, due to operation of the proposed transmission line in Sections 5.1.5 and 5.3.5.</li> <li>• Clarified the temporary area of disturbance due to installation activities, including anchoring, in the Hudson River and New York City Metropolitan Area segments in Sections 5.3.5 and 5.4.4, and added that midline buoys would be used to prevent anchor chain sweeps.</li> <li>• Updated the number of SCFWHs that would be crossed by the proposed CHPE Project in the Hudson River Segment in Section 5.3.5.</li> <li>• Updated discussion of impacts on fish from vessel traffic to note the typical draft and reduced speed of installation barges, and that installation activities would avoid spawning migration in the Hudson River Segment in Section 5.3.5.</li> <li>• Added discussion of impacts from blasting in the Harlem River in Section 5.4.5.</li> </ul>
<b>Terrestrial Habitats and Species</b>	<ul style="list-style-type: none"> <li>• Clarified information regarding ambient temperature increase at and below the sediment surface that would result from operation of the proposed transmission line in Section 5.2.6.</li> </ul>
<b>Terrestrial Protected and Sensitive Species</b>	<ul style="list-style-type: none"> <li>• Added discussion of impacts on northern long-eared bat in Sections 5.1.7, 5.2.7, 5.3.7, and 5.4.7, and discussion of impacts on red knot in Section 5.4.7.</li> <li>• Added northern long-eared bat, red knot, and small whorled pogonia to Table 5.1.7-1.</li> <li>• Updated discussion of impacts on the Indiana bat and Karner blue butterfly from proposed maintenance activities (i.e., mowing) in Section 5.2.7.</li> </ul>
<b>Wetlands</b>	<ul style="list-style-type: none"> <li>• Clarified the total acreage of wetlands expected to be impacted along the proposed CHPE Project route in Section 5.1.8.</li> <li>• Clarified that the proposed CHPE Project would not cross wetlands in the Esopus Estuary SCFWH in the Hudson River Segment in Section 5.3.8.</li> </ul>
<b>Geology and Soils</b>	<ul style="list-style-type: none"> <li>• Updated discussion of impacts on the proposed CHPE Project from potential seismic events in Sections 5.1.9, 5.2.9, 5.3.9, and 5.4.9.</li> <li>• Added discussion of impacts on geology from blasting in the Harlem River, and text regarding installation of the transmission line via HDD in the East River in Section 5.4.9.</li> <li>• Deleted discussion of installation of the proposed transmission line in the side slopes of the Harlem and East rivers in Section 5.4.9.</li> </ul>

EIS Section	Revision to Draft EIS
<b>Volume I: Impact Analysis (continued)</b>	
<b>Cultural Resources</b>	<ul style="list-style-type: none"> <li>Updated the milestone by which site boundaries would be reexamined or areas formally surveyed in Sections 5.1.10, 5.2.10, 5.3.10, and 5.4.10.</li> <li>Added information regarding ongoing Section 106 consultation and the Programmatic Agreement in Sections 5.1.10, 5.2.10, 5.3.10, and 5.4.10.</li> <li>Added discussion of vibration effects on historic properties from blasting in the Harlem River in Section 5.4.10.</li> </ul>
<b>Visual Resources</b>	<ul style="list-style-type: none"> <li>Added discussion of HDD staging areas and blasting in the Harlem River in Section 5.4.11.</li> </ul>
<b>Infrastructure</b>	<ul style="list-style-type: none"> <li>Added text regarding NYSPSC Certificate conditions that would avoid or minimize impacts on water supply systems in Section 5.3.12.</li> <li>Updated volume of solid waste (i.e., excavated soils and drill cuttings) that would result from HDD and creation of a cofferdam in the New York City Metropolitan Area Segment in Section 5.4.12.</li> </ul>
<b>Recreation</b>	<ul style="list-style-type: none"> <li>No substantive changes were made to the Recreation resource area (Sections 5.1.13, 5.2.13, 5.3.13, and 5.4.13).</li> </ul>
<b>Public Health and Safety</b>	<ul style="list-style-type: none"> <li>Added discussion of blasting in the Harlem River in Section 5.4.14.</li> </ul>
<b>Hazardous Materials and Wastes</b>	<ul style="list-style-type: none"> <li>No substantive changes were made to the Hazardous Materials and Wastes resource area (Sections 5.1.15, 5.2.15, 5.3.15, and 5.4.15).</li> </ul>
<b>Air Quality</b>	<ul style="list-style-type: none"> <li>Updated air emissions resulting from installation activities in the Hudson River Segment in Tables 5.3.16-1 and 5.3.16-2 (in Section 5.3.16) and Tables 5.4.16-2 and 5.4.16-4 (in Section 5.4.16); and in the New York City Metropolitan Area Segment in Tables 5.4.16-1, 5.4.16-2, and 5.4.16-4 (in Section 5.4.16).</li> </ul>
<b>Noise</b>	<ul style="list-style-type: none"> <li>Added discussion of blasting in the Harlem River in Section 5.4.17.</li> </ul>
<b>Socioeconomics</b>	<ul style="list-style-type: none"> <li>No substantive changes were made to the Socioeconomics resource area (Sections 5.1.18, 5.2.18, 5.3.18, and 5.4.18).</li> </ul>
<b>Environmental Justice</b>	<ul style="list-style-type: none"> <li>No substantive changes were made to the Environmental Justice resource area (Sections 5.1.19, 5.2.19, 5.3.19, and 5.4.19).</li> </ul>
<b>6. Cumulative and Other Impacts</b>	<ul style="list-style-type: none"> <li>Added descriptions and associated impact discussion for the following present and reasonably foreseeable future actions: New England Clean Power Link, redevelopment of Stony Point waterfront, Spectra-Algonquin Incremental Market Natural Gas Pipeline, and West Point Net Zero Project.</li> <li>Updated schedule of the Hudson River Navigation Channel Dredging project.</li> <li>Deleted reference to harassment and possible take of wildlife or protected species.</li> </ul>
<b>7. Public Participation and Interagency Coordination</b>	<ul style="list-style-type: none"> <li>Added a description of the Draft EIS public review period and summarized comments received on the Draft EIS.</li> </ul>
<b>8. List of Preparers</b>	<ul style="list-style-type: none"> <li>No substantive changes were made to this section.</li> </ul>
<b>9. References</b>	<ul style="list-style-type: none"> <li>Updated reference list based on revisions made to the Draft EIS and other changes made to prepare the Final EIS.</li> </ul>

EIS Section	Revision to Draft EIS
<b>Volume I: Impact Analysis (continued)</b>	
<b>10. Acronyms and Abbreviations</b>	<ul style="list-style-type: none"> <li>Updated acronyms and abbreviations based on revisions made to the Draft EIS and other changes made to prepare the Final EIS.</li> </ul>
<b>11. Glossary</b>	<ul style="list-style-type: none"> <li>No substantive changes were made to this section.</li> </ul>
<b>12. Index</b>	<ul style="list-style-type: none"> <li>Updated index to reflect the Final EIS.</li> </ul>
<b>Volume II: Appendices A-O</b>	
<b>Appendix A</b>	<ul style="list-style-type: none"> <li>Updated Maps 61 and 62 to include updated floodplain data.</li> </ul>
<b>Appendix B</b>	<ul style="list-style-type: none"> <li>The Clean Water Act 404 Permit Application Alternatives Analysis Report for the proposed CHPE Project was removed and replaced with a page directing the reader to the CHPE EIS Web site for this appendix.</li> </ul>
<b>Appendix C</b>	<ul style="list-style-type: none"> <li>The NYSPSC Order granting the Certificate of Environmental Compatibility and Public Need for the proposed CHPE Project was removed and replaced with a page directing the reader to the CHPE EIS Web site for this appendix.</li> </ul>
<b>Appendix D</b>	<ul style="list-style-type: none"> <li>No changes were made to this appendix.</li> </ul>
<b>Appendix E</b>	<ul style="list-style-type: none"> <li>Updated the EIS distribution list based on data obtained during the Draft EIS public comment period.</li> </ul>
<b>Appendix F</b>	<ul style="list-style-type: none"> <li>No changes were made to this appendix.</li> </ul>
<b>Appendix G</b>	<ul style="list-style-type: none"> <li>Updated Applicant-proposed impact avoidance and minimization measures (i.e., BMPs) based on new information, and noted that the BMPs will be incorporated into the final Environmental Management and Construction Plan (EM&amp;CP) for the proposed CHPE Project.</li> </ul>
<b>Appendix H</b>	<ul style="list-style-type: none"> <li>No changes were made to this appendix.</li> </ul>
<b>Appendix I</b>	<ul style="list-style-type: none"> <li>No changes were made to this appendix.</li> </ul>
<b>Appendix J</b>	<ul style="list-style-type: none"> <li>No changes were made to this appendix.</li> </ul>
<b>Appendix K</b>	<ul style="list-style-type: none"> <li>No changes were made to this appendix.</li> </ul>
<b>Appendix L</b>	<ul style="list-style-type: none"> <li>Reorganized census tracts in Tables L-2 and L-3, and identified census tracts along the terrestrial portions of the proposed CHPE Project route with gray shading.</li> </ul>
<b>Appendix M</b>	<ul style="list-style-type: none"> <li>Updated data in Tables M-13, M-17, M-22, and M-25 based on correction to conversion of emissions factors for some vessels.</li> </ul>
<b>Appendix N</b>	<ul style="list-style-type: none"> <li>No changes were made to this appendix.</li> </ul>
<b>Appendix O</b>	<ul style="list-style-type: none"> <li>No changes were made to this appendix.</li> </ul>
<b>Volume III: Appendix P</b>	
<b>Appendix P</b>	<ul style="list-style-type: none"> <li>Added Volume III, Appendix P, which includes comments received on the Draft EIS and responses to those comments.</li> </ul>
<b>Volume IV: Appendices Q-U</b>	
<b>Appendices Q-U</b>	<ul style="list-style-type: none"> <li>Added Volume IV, which includes the following appendices: Appendix Q (Biological Assessment), Appendix R (Essential Fish Habitat Assessment), Appendix S (Floodplain Statement of Findings), Appendix T (Programmatic Agreement), and Appendix U (Navigation Risk Assessment).</li> </ul>

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**ATTACHMENT 1**

**CHPE EIS NOA PUBLISHED IN THE FEDERAL REGISTER**

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65622

Federal Register / Vol. 78, No. 212 / Friday, November 1, 2013 / Notices

Services, Office of Management, hereby issues a correction notice as required by the Paperwork Reduction Act of 1995.

Dated: October 29, 2013.

**Tomakie Washington,**

*Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.*

[FR Doc. 2013-26111 Filed 10-31-13; 8:45 am]

BILLING CODE 4000-01-P

## DEPARTMENT OF EDUCATION

[Docket No. ED-2013-ICCD-0100]

**Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; National Professional Development Program: Grantee Performance Report**

**AGENCY:** Office of English Language Acquisition (OELA), Department of Education (ED).

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing an extension of an existing information collection.

**DATES:** Interested persons are invited to submit comments on or before December 2, 2013.

**ADDRESSES:** Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at <http://www.regulations.gov> by selecting Docket ID number ED-2013-ICCD-0100 or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 2E115, Washington, DC 20202-4537.

**FOR FURTHER INFORMATION CONTACT:** For questions related to collection activities or burden, please call Tomakie Washington, 202-401-1097 or electronically mail [ICDocketMgr@ed.gov](mailto:ICDocketMgr@ed.gov). Please do not send comments here.

**SUPPLEMENTARY INFORMATION:** The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed,

revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

**Title of Collection:** National Professional Development Program: Grantee Performance Report.

**OMB Control Number:** 1885-0555.

**Type of Review:** Extension without change of an existing collection of information.

**Respondents/Affected Public:** State, Local, or Tribal Governments.

**Total Estimated Number of Annual Responses:** 138.

**Total Estimated Number of Annual Burden Hours:** 6,900.

**Abstract:** The National Professional Development (NPD) program provides professional development activities intended to improve instruction for students with limited English proficiency and assists education personnel working with such children to meet high professional standards. The NPD program office is submitting this application to request approval to collect information from NPD grantees. This data collection serves two purposes; the data are necessary to assess the performance of the NPD program on Government Performance Results Act measures, also, budget information and data on project-specific performance measures are collected from NPD grantees for project-monitoring information.

Dated: October 29, 2013.

**Tomakie Washington,**

*Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.*

[FR Doc. 2013-26112 Filed 10-31-13; 8:45 am]

BILLING CODE 4000-01-P

## DEPARTMENT OF ENERGY

[OE Docket No. PP-362]

**Notice of Availability for the Draft Environmental Impact Statement and Announcement of Public Hearings for the Proposed Champlain Hudson Power Express Transmission Line Project**

**AGENCY:** U.S. Department of Energy.

**ACTION:** Notice of availability and public hearings.

**SUMMARY:** The U.S. Department of Energy (DOE) announces the availability of the "Draft Environmental Impact Statement for the Champlain Hudson Power Express Transmission Line Project" (DOE/EIS-0447) for public review and comment. DOE is also announcing four public hearings to receive comments on the Draft EIS. The Draft EIS evaluates the environmental impacts of DOE's proposed Federal action of issuing a Presidential permit to the Applicant, Champlain Hudson Power Express, Inc. (CHPEI), to construct, operate, maintain, and connect a new electric transmission line across the U.S./Canada border in northeastern New York State.

**DATES:** DOE invites interested Members of Congress, state and local governments, other Federal agencies, American Indian tribal governments, organizations, and members of the public to provide comments on the Draft EIS during the 45-day public comment period. The public comment period started on October 11, 2013, with the publication in the **Federal Register** by the U.S. Environmental Protection Agency of its Notice of Availability of the Draft EIS, and will continue until November 25, 2013. Written and oral comments will be given equal weight and all comments received or postmarked by that date will be considered by DOE in preparing the Final EIS. Comments received or postmarked after that date will be considered to the extent practicable.

Locations, dates, and start time for the public hearings are listed in the **SUPPLEMENTARY INFORMATION** section of this Notice of Availability (NOA).

**ADDRESSES:** Requests to provide oral comments at the public hearings may be made at the time of the hearing(s).

Written comments on the Draft EIS may be provided on the CHPE EIS Web site at <http://www.chpexpresseis.org> (preferred) or addressed to Mr. Brian

Mills: Office of Electricity Delivery and Energy Reliability (OE-20), U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585; via email to [Brian.Mills@hq.doe.gov](mailto:Brian.Mills@hq.doe.gov); or by facsimile

to (202) 586-8008. Please mark envelopes and email subject lines as "CHPE Draft EIS Comments."

The locations, dates, and starting times of the public hearings are listed in the table below:

Location	Date and time	Address
Courtyard Marriott LaGuardia (Queens) .....	Monday, November 18, 2013, 12:00 p.m. ....	9010 Ditmars Blvd. East Elmhurst, NY 11369.
Stony Point Center .....	Monday, November 18, 2013, 6:00 p.m. ....	17 Cricketown Rd. Stony Point, NY 10980.
Holiday Inn Schenectady .....	Tuesday, November 19, 2013, 6:00 p.m. ....	100 Nott Terrace Schenectady, NY 12308.
West Side Ballroom (Plattsburgh) .....	Wednesday, November 20, 2013, 6:00 p.m. ....	253 New York Rd. Plattsburgh, NY 12903.

**FOR FURTHER INFORMATION CONTACT:** Mr. Brian Mills at the addresses above, or at 202-586-8267.

**SUPPLEMENTARY INFORMATION:** The public hearings will consist of the formal taking of comments with transcription by a court stenographer. The hearings will provide interested parties the opportunity to make comments for consideration in the preparation of the Final EIS.

*Availability of the Draft EIS* Copies of the Draft EIS have been distributed to appropriate members of Congress, state and local government officials, American Indian tribal governments, and other Federal agencies, groups, and interested parties. Printed copies of the document may be obtained by contacting Mr. Mills at the above address. Copies of the Draft EIS and supporting documents are also available for inspection at the following locations:

- Queens Library—Steinway, 21-45 31 Street (Ditmars Boulevard), Long Island City, NY 11102
- Yonkers Public Library—Riverfront Library, 1 Larkin Center, Yonkers, New York 10701
- Rose Memorial Library, 79 East Main Street, Stony Point, NY 10980
- Kingston Public Library, 55 Franklin Street, Kingston, NY 12401
- Schenectady County Public Library, 99 Clinton Street, Schenectady, NY 12305
- Crandall Public Library, 251 Glen Street, Glens Falls, NY 12801
- Plattsburgh Public Library, 19 Oak Street, Plattsburgh, NY 12901

The Draft EIS is also available on the EIS Web site at <http://chpexpresseis.org> and on the DOE NEPA Web site at <http://nepa.energy.gov/>.

Issued in Washington, DC, on October 28, 2013.

**Patricia A. Hoffman,**

*Principal Deputy Assistant Secretary, Office of Electricity Delivery and Energy Reliability.*  
[FR Doc. 2013-26080 Filed 10-31-13; 8:45 am]

BILLING CODE 6450-01-P

#### DEPARTMENT OF ENERGY

##### Office of Energy Efficiency and Renewable Energy

[Case No. RF-032]

##### Decision and Order Granting a Waiver to Samsung From the Department of Energy Residential Refrigerator and Refrigerator-Freezer Test Procedures

**AGENCY:** Office of Energy Efficiency and Renewable Energy, Department of Energy.

**ACTION:** Decision and Order.

**SUMMARY:** The U.S. Department of Energy (DOE) gives notice of its decision and order in Case No. RF-032 that grants to Samsung Electronics America, Inc. (Samsung) a waiver from the DOE electric refrigerator and refrigerator-freezer test procedures for specific basic models set forth in its petition for waiver. In its petition, Samsung provides an alternate test procedure that is identical to the test procedure DOE published in a final rule dated January 25, 2012 (77 FR 3559) that manufacturers will be required to use starting in 2014. Under today's decision and order, Samsung shall be required to test and rate these refrigerator-freezers using an alternate test procedure as adopted in that January 2012 final rule, which accounts for multiple defrost cycles when measuring energy consumption.

**DATES:** This Decision and Order is effective November 1, 2013.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Bryan Berringer, U.S. Department of Energy, Building Technologies Office, Mailstop EE-2J, 1000 Independence Avenue SW., Washington, DC 20585-0121. Telephone: (202) 586-0371. Email: [Bryan.Berringer@ee.doe.gov](mailto:Bryan.Berringer@ee.doe.gov)

Mr. Michael Kido, U.S. Department of Energy, Office of the General Counsel, Mail Stop GC-71, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585-0103. Telephone: (202) 586-8145. Email: [Michael.Kido@hq.doe.gov](mailto:Michael.Kido@hq.doe.gov)

**SUPPLEMENTARY INFORMATION:** In accordance with Title 10 of the Code of Federal Regulations (10 CFR 430.27(l)), DOE gives notice of the issuance of its decision and order as set forth below. The decision and order grants Samsung with a waiver from the applicable residential refrigerator and refrigerator-freezer test procedures in 10 CFR part 430, subpart B, appendix A1 for certain basic models of refrigerator-freezers with multiple defrost cycles, provided that Samsung tests and rates such products using the alternate test procedure described in this notice. Today's decision prohibits Samsung from making representations concerning the energy efficiency of these products unless the product has been tested in a manner consistent with the provisions and restrictions in the alternate test procedure set forth in the decision and order below, and the representations fairly disclose the test results.

Distributors, retailers, and private labelers are held to the same standard when making representations regarding the energy efficiency of these products. 42 U.S.C. 6293(c).



pursue the Joint SPP option. Comments submitted in response to this notice should include the following information:

1. Name and general description of the entity submitting the comment.
2. Name, mailing address, telephone number, and email address of the entity's primary contact.
3. Identification of any specific recommendation the comment references.

#### Environmental Compliance

In compliance with the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321–4347), Council on Environmental Quality regulations (40 CFR parts 1500–1508), and DOE NEPA regulations (10 CFR part 1021), Western is in the process of determining whether an environmental assessment or an environmental impact statement should be prepared or if this action can be categorically excluded from those requirements. Further environmental review actions will be posted to <http://www.wapa.gov/ugp/Environment/default.htm>.

Dated: October 29, 2013.

**Mark A. Gabriel,**

Administrator.

[FR Doc. 2013–26079 Filed 10–31–13; 8:45 am]

BILLING CODE 6450–01–P

#### ENVIRONMENTAL PROTECTION AGENCY

[EPA–FRL–9011–7]

#### Environmental Impact Statements; Notice of Availability

*Responsible Agency:* Office of Federal Activities, General Information (202) 564–7146 or <http://www.epa.gov/compliance/nepa/>.

Weekly receipt of Environmental Impact Statements

Filed 10/21/2013 Through 10/25/2013 Pursuant to 40 CFR 1506.9.

#### Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: <http://www.epa.gov/compliance/nepa/eisdata.html>.

*EIS No. 20130306, Second Final EIS, USCG, 00, Tiering FEIS—U.S. Coast Guard Rulemaking for Dry Cargo Residue Discharges in the Great Lakes, Review Period Ends: 12/02/2013, Contact: Timothy P. O'Brien 202–372–1539.*

*EIS No. 20130307, Final EIS, BLM, WY, Gas Hills In-Situ Recovery Uranium Project, Review Period Ends: 12/02/2013, Contact: Tom Sunderland 307–332–8400.*

*EIS No. 20130308, Draft EIS, USACE, NC, Morehead City Harbor Integrated Dredged Material Management Plan, Port of Morehead City, Comment Period Ends: 12/16/2013, Contact: Hugh Heine 910–251–4070.*

*EIS No. 20130309, Draft EIS, DOE, NY, Champlain Hudson Power Express Transmission Line Project, Comment Period Ends: 12/16/2013, Contact: Brian Mills 202–586–8267.*

*EIS No. 20130310, Draft EIS, BLM, UT, Utah Greater Sage-Grouse Draft Land Use Plan Amendment, Comment Period Ends: 01/29/2014, Contact: Quincy Bahr 801–539–4122.*

*EIS No. 20130311, Draft EIS, BLM, NV, Nevada and Northeastern California Greater Sage-Grouse Planning, Comment Period Ends: 01/29/2014, Contact: Joe Tague 775–861–6556.*

The U.S. Department of the Interior's Bureau of Land Management and the U.S. Department of Agriculture's Forest Service are Joint Lead Agencies for the above project.

*EIS No. 20130312, Draft EIS, BLM, ID, Idaho and Southwestern Montana Greater Sage-Grouse Draft Land Use Plan, Comment Period Ends: 01/29/2014, Contact: Brent Ralston 208–373–3812.*

*EIS No. 20130313, Draft EIS, USFS, ID, Lost Creek-Boulder Creek Landscape Restoration Project, Comment Period Ends: 12/16/2013, Contact: Holly Hutchinson 208–347–0325.*

*EIS No. 20130314, Final EIS, DOE, IL, FutureGen 2.0 Project, Review Period Ends: 12/02/2013, Contact: Cliff Whyte 304–285–2098.*

*EIS No. 20130315, Draft EIS, FERC, AZ, Sierrita Pipeline Project, Comment Period Ends: 12/16/2013, Contact: David Hanobich 202–502–8312.*

*EIS No. 20130316, Final EIS, NPS, CA, Restoration of the Mariposa Grove of Giant Sequoias, Review Period Ends: 12/02/2013, Contact: Kimball Koch 209–379–1364.*

*EIS No. 20130317, Draft Supplement, USACE, NC, NC–1409 (Military Cutoff Road) Extension and Proposed US 17 Hampstead Bypass, Comment Period Ends: 12/16/2013, Contact: Brad Shaver 910–251–4611.*

#### Amended Notices

*EIS No. 20130221, Draft Supplement, BLM, CA, Palen Solar Electrical Generating System, Comment Period Ends: 11/14/2013, Contact: Frank McMenimen 760–833–7150.*

Revision to FR Notice Published 07/26/2013; Extending Comment Period from 10/24/2013 to 11/14/2013.

*EIS No. 20130260, Draft EIS, BIA, NV, Moapa Solar Energy Center, Comment Period Ends: 11/12/2013, Contact: Amy Heuslein 602–379–6750.*

Revision to FR Notice Published 09/13/2013; Extending Comment Period from 10/21/2013 to 11/12/2013.

*EIS No. 20130261, Draft Supplement, NPS, CA, Golden Gate National Recreation Area Draft Dog Management Plan, Comment Period Ends: 01/13/2014, Contact: Michael B. Edwards 303–969–2694.*

Revision to FR Notice Published 09/06/2013; Extending Comment Period from 12/04/2013 to 01/11/2014.

*EIS No. 20130266, Draft EIS, USN, GU, The Mariana Islands Training and Testing, Comment Period Ends: 12/06/2013, Contact: John Van Name 808–471–1714.*

Revision to FR Notice Published 10/25/2013; Extending Comment Period from 11/12/2013 to 12/12/2013.

*EIS No. 20130269, Draft EIS, NRC, 00, Generic—Waste Confidence, Comment Period Ends: 12/20/2013, Contact: Sarah Lopas 301–287–0675.*

Revision to FR Notice Published 09/13/2013; Extending Comment Period from 11/27/2013 to 12/20/2013.

*EIS No. 20130277, Final Supplement, BLM, NV, Silver State Solar South Project Proposed Resource Management Plan Amendment, Review Period Ends: 11/06/2013, Contact: Nancy Christ 702–515–5136.*

Revision to FR Notice Published 09/20/2013; Extending Comment Period from 10/21/2013 to 11/06/2013.

*EIS No. 20130280, Draft EIS, BLM, NV, 3 Bars Ecosystem and Landscape Restoration Project, Comment Period Ends: 11/29/2013, Contact: Chad Lewis 775–635–4000.*

Revision to FR Notice Published 09/27/2013; Extending Comment Period from 11/12/2013 to 11/29/2013.

*EIS No. 20130284, Draft Supplement, GSA, CA, San Ysidro Land Port of Entry Improvements Project, Comment Period Ends: 11/29/2013, Contact: Osmahn Kadri 415–522–3617.*

Revision to the FR Notice Published 09/27/2013; Extending Comment Period from 11/12/2013 to 11/29/2013.

*EIS No. 20130290, Draft EIS, NPS, CA, Restoration of Native Species in High Elevation Aquatic Ecosystems Plan, Sequoia and Kings Canyon National Parks, Comment Period Ends: 12/17/*

Dated: November 1, 2013.

Donna S. Wieting,

Director, Office of Protected Resources,  
National Marine Fisheries Service.

[FR Doc. 2013-26596 Filed 11-5-13; 8:45 am]

BILLING CODE 3510-22-P

## DEPARTMENT OF ENERGY

[OE Docket No. PP-362]

### Notice of Availability for the Draft Environmental Impact Statement and Announcement of Public Hearings for the Proposed Champlain Hudson Power Express Transmission Line Project; Correction

**AGENCY:** U.S. Department of Energy.

**ACTION:** Notice of availability and public hearings; correction.

**SUMMARY:** The Department of Energy (DOE) published a document in the **Federal Register** of November 1, 2013, announcing the availability for the Draft Environmental Impact Statement and public hearings for the proposed Champlain Hudson Power Express transmission line project. This document corrects an error in that notice.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information should be directed to Brian Mills at [Brian.Mills@hq.doe.gov](mailto:Brian.Mills@hq.doe.gov).

#### Correction

In the **Federal Register** of November 1, 2013 in FR Doc. 2013-26080, 78 FR 65622, please make the following correction:

On page 65622, third column, under the heading **DATES**, the second sentence is corrected to read: "The public comment period started on November 1, 2013, with the publication in the **Federal Register** by the U.S. Environmental Protection Agency of its Notice of Availability of the Draft EIS, and will continue until December 16, 2013."

Issued in Washington, DC, on November 1, 2013.

Brian Mills,

NEPA Compliance Officer, Office of  
Electricity Delivery and Energy Reliability.

[FR Doc. 2013-26573 Filed 11-5-13; 8:45 am]

BILLING CODE 6450-01-P

## DEPARTMENT OF ENERGY

### Western Area Power Administration

Loveland Area Projects, Colorado  
River Storage Project, Pacific  
Northwest-Pacific Southwest Intertie  
Project, Central Arizona Project, and  
Parker-Davis Project—Rate Order No.  
WAPA-163

**AGENCY:** Western Area Power  
Administration, DOE.

**ACTION:** Notice of Proposed Formula  
Rates for Western Area Power  
Administration (Western) Transmission  
Projects to Enter into WestConnect's  
Point-to-Point Regional Transmission  
Service Participation Agreement (PA).

**SUMMARY:** Western is proposing new formula rates to participate in WestConnect's PA. The proposed formula rates under Rate Schedule WC-8 would become effective June 1, 2014, and remain in effect through May 30, 2019. Western, along with other WestConnect participants (Participants), has participated in the WestConnect Pricing Experiment (Experiment) since its inception in June 2009. On June 28, 2013, the Federal Energy Regulatory Commission (FERC) issued an order (143 FERC ¶ 61,291) conditionally accepting the PA and regional tariffs. FERC ordered that the Participants in the filing submit separate compliance filings. Western has determined that no changes are necessary to Western's Open Access Transmission Tariff (Tariff) because Western will continue to offer this transmission service under the existing Tariff Schedule 8. For Western to implement the permanent arrangement, however, Western needs to adopt new formula rates. Publication of this **Federal Register** notice begins the formal process for the proposed formula rates.

**DATES:** The consultation and comment period will begin today and will end December 6, 2013. Western will accept written comments any time during the consultation and comment period. The proposed action constitutes a minor rate adjustment as defined by 10 CFR part 903. As such, Western has determined it is not necessary to hold a public information or public comment forum.

**ADDRESSES:** Send written comments to: Ms. Lynn C. Jeka, Colorado River Storage Project Manager, Colorado River Storage Project Management Center, 150 East Social Hall Avenue, Suite 300, Salt Lake City, UT 84111-1580, fax (801) 524-5017, or email [WestConnect@wapa.gov](mailto:WestConnect@wapa.gov). Western will post information about the rate process on its Web site at <http://www.wapa.gov/dsw/>

[pwrmt/WestConnect/Default.htm](http://pwrmt/WestConnect/Default.htm).

Western will post official comments received to its Web site after the close of the comment period. Western must receive comments by the end of the consultation and comment period to ensure they are considered in Western's decision process.

**FOR FURTHER INFORMATION CONTACT:** Mr. Thomas Hackett, Rates Team Lead, Colorado River Storage Project Management Center, 150 East Social Hall Avenue, Suite 300, Salt Lake City, UT 84111-1580, telephone (801) 524-5503, or email [hackett@wapa.gov](mailto:hackett@wapa.gov).

#### SUPPLEMENTARY INFORMATION:

WestConnect consists of a group of electric utilities currently providing transmission service in the Western Interconnection. Its members are a mixture of investor- and consumer-owned utilities and Western. The WestConnect membership encompasses an interconnected grid stretching from western Nebraska to southern California and from Wyoming to the United States-Mexico border. Western began participating in the Experiment in June 2009, which offered potential customers the option of scheduling a single transaction for hourly, non-firm, point-to-point transmission service over multiple transmission providers' systems at a single rate. The original term of the Experiment was 2 years and expired on June 30, 2011. In 2011, WestConnect filed with FERC to extend the term of the Experiment for 2 additional years, until June 30, 2013.

To participate in the Experiment during its total 4-year term, Western had to convert its "all-hours," non-firm, point-to-point transmission rates into on-peak and off-peak rates, similar to other Participants. Western's FERC-approved Tariff transmission rate designs for all regions yield an "all-hours" transmission rate. Western's transmission rates do not make a rate distinction between on-peak and off-peak, but rather spread the annual revenue requirements over all hours of the year. Western established these on-peak and off-peak rates using the authority granted to Western's Administrator in Delegation Order No. 00-037.00A to set rates for short-term sales.

On April 16, 2013, WestConnect submitted to FERC an Amended and Restated PA that, in essence, offers the coordinated hourly, non-firm, point-to-point transmission service at a single rate on a permanent basis, effective July 1, 2013. On June 28, 2013, FERC issued an order conditionally accepting the PA and regional tariffs. In its order, FERC stated it was approving the proposal



67348

Federal Register / Vol. 78, No. 218 / Tuesday, November 12, 2013 / Notices

Issued in Washington, DC on November 6, 2013.

Patricia A. Hoffman,

Assistant Secretary, Office of Electricity Delivery and Energy Reliability.

[FR Doc. 2013-26976 Filed 11-8-13; 8:45 am]

BILLING CODE 6450-01-P

# DEPARTMENT OF ENERGY

## Invitation for Public Comment on Draft Test Plan for the High Burnup Dry Storage Cask Research and Development Project (CDP)

**AGENCY:** Fuel Cycle Technologies, Office of Nuclear Energy, Department of Energy.

**ACTION:** Notice; request for public comments.

**SUMMARY:** The U.S. Department of Energy (DOE) is providing notice of request for public comment on its draft test plan for the High Burnup Dry Storage Cask Research and Development Project (CDP). The test plan will guide the Department's activities, research, and development throughout the execution of the High Burnup Dry Storage Cask Research and Development Project. The draft test plan places its focus on "why" the project is being performed and "what" the Department plans to accomplish with the CDP. The details on "how" the test plan will be executed will be added when Dominion Virginia Power, who is part of the Electric Power research Institute (EPRI) team, submits a License Amendment Request for the existing North Anna Generating Station Independent Spent Fuel Storage Installation (ISFSI). The License Amendment Request will be submitted to the NRC in the future. The public will be provided an opportunity to provide comments to the NRC on the CDP test plan at that time. The DOE's Office of Used Nuclear Fuel Disposition Research and Development has coordinated this effort in collaboration with its contractor EPRI and several DOE national laboratories. The DOE is seeking public stakeholder comment to ensure CDP resources are invested wisely to achieve measurable improvements in our Nation's data on High Burnup Casks.

**DATES:** Written comments should be submitted by December 12, 2013. Comments received after this date will be considered if it is practical to do so; however, the DOE is only able to ensure consideration of comments received on or before this date.

**ADDRESSES:** You may submit comments by any of the following methods:

**Electronic Form:** Go to <http://www.id.energy.gov/insideNEID/PublicInvolvement.htm>. Locate the area on the page that pertains to the draft test plan for the High Burnup Dry Storage Cask Research and Development Project (CDP). Click on the link for the electronic comment form. Populate the form and click on "Submit".

**E-Mail:** [CDP@id.doe.gov](mailto:CDP@id.doe.gov).

**Mail:** U.S. Department of Energy, C/O Melissa Bates, 1955 Fremont Ave., MS 1235, Idaho Falls, ID 83415.

**Hand Delivery or Courier:** U.S. Department of Energy, Willow Creek Building Ground Floor, Room 185B, 1955 Fremont Ave., Attn: Melissa Bates, Idaho Falls, ID, between 8 a.m. and 3:30 p.m. MT, Monday through Thursday, except Federal holidays.

**Fax:** 208-526-6249.

**FOR FURTHER INFORMATION CONTACT:** Mrs. Melissa Bates, Contracting Officers Representative, High Burnup Dry Storage Cask Research and Development Project, U.S. Department of Energy—Idaho Operations Office, MS 1235, 1955 Fremont Ave., Idaho Falls, ID 83415, (208) 526-4652, [batesmc@id.doe.gov](mailto:batesmc@id.doe.gov).

**SUPPLEMENTARY INFORMATION:** The Department of Energy (DOE) has performed recent assessments focusing on long-term aging issues important to the performance of the structures, systems, and components of the dry cask storage systems for high burnup spent nuclear fuel. A number of technical issues and research and data needs have emerged from these assessments. DOE has determined that a large scale cask research and development project using various configurations of dry storage cask systems and experiments would be beneficial.

A draft test plan for the High Burnup Dry Storage Cask Research and Development Project (CDP) has been drafted by DOE's contractor the Electric Power Research Institute (EPRI) to document what is planned to be accomplished by the CDP. DOE is soliciting comments from the public to obtain feedback on what the Department plans to execute.

A copy of the draft test plan can be found at the following link: <http://www.id.energy.gov/insideNEID/PublicInvolvement.htm>. Locate the area on the page that pertains to the High Burnup Dry Storage Cask Research and Development Project (CDP). Click on the link for the draft test plan.

### Submitting Comments

Stakeholder's comments should be aligned, if possible, with the goals and objectives of the CDP. All comments

will be considered that are received by the deadline that appears in the DATES section.

**Instructions:** Submit comments via any of the mechanisms set forth in the ADDRESSES section above. Identify your name, organization affiliation, comments on the draft test plan, email, and phone number. If an email or phone number is included, it will allow the DOE to contact the commenter if questions or clarifications arise. No responses will be provided to commenters in regards to the disposition of their comments. All comments will be officially recorded without change or edit, including any personal information provided.

**Privacy Act:** Data collected via the mechanisms listed above will not be protected from the public view in any way. DOE does not intend to publish the comments received externally; however, data collected will be seen by multiple entities while comments are resolved.

Dated: November 5, 2013.

Jay Jones,

Office of Fuel Cycle Technologies, Office of Nuclear Energy.

[FR Doc. 2013-26977 Filed 11-8-13; 8:45 am]

BILLING CODE 6450-01-P

# DEPARTMENT OF ENERGY

[OE Docket No. PP-362]

## Notice of Availability for the Draft Environmental Impact Statement and Announcement of Public Hearings for the Proposed Champlain Hudson Power Express Transmission Line Project; Correction

**AGENCY:** U.S. Department of Energy.

**ACTION:** Notice of availability and public hearings; correction.

**SUMMARY:** The Department of Energy (DOE) published a document in the **Federal Register** of November 1, 2013, announcing the availability for the Draft Environmental Impact Statement and public hearings for the proposed Champlain Hudson Power Express transmission line project. This document corrects an error in that notice.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information should be directed to Brian Mills at [Brian.Mills@hq.doe.gov](mailto:Brian.Mills@hq.doe.gov).

### Correction

In the **Federal Register** of November 1, 2013 in FR Doc. 2013-26080, 78 FR 65622, please make the following correction:

On page 65623, in the table, the third row is corrected to read:

Holiday Inn Albany Wolf Road .....	Tuesday, November 19, 2013, 6:00 p.m. ....	205 Wolf Rd., Albany, NY 12205.
------------------------------------	--	---------------------------------

Issued in Washington, DC, on November 5, 2013.  
**Brian Mills,**  
*NEPA Compliance Officer, Office of Electricity Delivery and Energy Reliability.*  
 [FR Doc. 2013-26983 Filed 11-8-13; 8:45 am]  
**BILLING CODE 6450-01-P**

#### DEPARTMENT OF ENERGY

##### Office of Energy Efficiency and Renewable Energy

##### Revision of a Currently Approved Collection

**AGENCY:** Office of Energy Efficiency and Renewable Energy, U.S. Department of Energy.

**ACTION:** Notice and request for OMB review and comment.

**SUMMARY:** The Department of Energy (DOE) has submitted to the Office of Management and Budget (OMB) for clearance, a proposal for collection of information under the provisions of the Paperwork Reduction Act of 1995. The proposed collection will be used to report the progress of participants in the DOE Better Buildings programs, including the Better Buildings Challenge, Better Buildings, Better Plants program, and the Better Buildings Alliance. These voluntary programs are intended to drive greater energy efficiency in the commercial and industrial marketplace to create cost savings and jobs. This will be accomplished by highlighting the ways participants overcome market barriers and persistent obstacles with replicable, marketplace solutions. These programs will showcase real solutions and partner with industry leaders to better understand policy and technical opportunities. Since the published 60-Day Notice and request for comments on April 11, 2013, Vol. 78, No. 70, page 21602, there are noted changes to the following supplemental information items: (6) Annual Estimated Number of Total Responses are reduced from 3,178 to 2,333; (7) Annual Estimated Number of Burden Hours are reduced from 5,077 to 4,651.89; and (8) Annual Estimated Reporting and Recordkeeping Cost Burden is reduced from \$194,926 to \$183,610.

**DATES:** Comments regarding this collection must be received on or before December 12, 2013. If you anticipate

that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, please advise the DOE Desk Officer at OMB of your intention to make a submission as soon as possible. The Desk Officer may be telephoned at 202-395-4718.

**ADDRESSES:** Written comments should be sent to the DOE Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10102, 735 17th Street NW., Washington, DC 20503.

And to Nancy Gonzalez, EE-2F/Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585 or by fax at 202-586-5234 or by email at [nancy.gonzalez@ee.doe.gov](mailto:nancy.gonzalez@ee.doe.gov).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument and instructions should be directed to Nancy Gonzalez, EE-2F/Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585 or by fax at 202-586-5234 or by email at [nancy.gonzalez@ee.doe.gov](mailto:nancy.gonzalez@ee.doe.gov).

**SUPPLEMENTARY INFORMATION:** This information collection request contains: (1) OMB No. 1910-5141; (2) *Information Collection Request Title:* Better Buildings Challenge, Better Buildings Alliance and the Better Buildings, Better Plants Voluntary Pledge Program; (3) *Type of Request:* Amendment; (4) *Purpose:* The collected information is being amended to be used to report the progress of participants in the Better Buildings Alliance, as well as additional information for the Better Buildings, Better Plants program. The collection is being amended to account for an increase in the number of respondents; (5) *Annual Estimated Number of Total Respondents:* 550; (6) *Annual Estimated Number of Total Responses:* 2,333; (7) *Annual Estimated Number of Burden Hours:* 4,651.89; (8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* \$183,610.

**Statutory Authority:** Section 421 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17081); Section 911 of the Energy Policy Act of 2005, as amended (42 U.S.C. 16191).

Issued in Washington, DC on November 1, 2013.

**Maria Vargas,**  
*Director, Better Buildings Challenge, Buildings Technologies Office, Office of Energy Efficiency and Renewable Energy.*  
 [FR Doc. 2013-26984 Filed 11-8-13; 8:45 am]  
**BILLING CODE 6450-01-P**

#### DEPARTMENT OF ENERGY

##### Federal Energy Regulatory Commission

[Docket No. CP00-401-001]

##### AltaGas Facilities (U.S.), Inc. (AltaGas); Notice of Application

Take notice that on October 21, 2013, AltaGas Facilities (U.S.), Inc. (AltaGas), 1700, 355 4th Avenue SW., Calgary, Alberta T2P 0J1, filed an application in Docket No. CP00-401-001, requesting authorization to terminate its Natural Gas Act section 3 authorization and its related Presidential Permit for its facilities extending from the international boundary in Toole County, Montana to Alberta, Canada. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll free at (866) 208-3676, or for TTY, contact (202) 502-8659.

On July 31, 2001, AltaGas was authorized to construct, connect, operate, and maintain 60 feet of six-inch diameter natural gas pipeline extending from the international boundary with Canada in T37N, R3W, to an interconnection with the natural gas gathering facilities which AltaGas owns in Toole County, Montana. In addition with the request to terminate the section 3 authorization, AltaGas also requests waiver of the requirement to remove the pipeline, as required by Article 9 of its Presidential Permit. AltaGas proposes to abandon the 60 foot pipeline in-place. The pipeline would be treated, capped, and tagged underground prior to its abandonment. The records of the internal and external corrosion control programs would be maintained for two years.



that does not meet the standards in 34 CFR parts 74 or 80, as applicable; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

#### VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to [www.ed.gov/fund/grant/apply/appforms/appforms.html](http://www.ed.gov/fund/grant/apply/appforms/appforms.html).

4. *Performance Measures:* Under the Government Performance and Results Act of 1993 (GPRA), the Department developed the following performance measures to evaluate the overall effectiveness of the CAMP: (1) The percentage of CAMP participants completing the first academic year of their postsecondary program, and (2) the percentage of CAMP participants who, after completing the first academic year of college, continue their postsecondary education.

Applicants must propose annual targets for these measures in their applications. The national target for GPRA measure 1 for FY 2014 is that 86 percent of CAMP participants will complete the first academic year of their postsecondary program. The national target for GPRA measure 2 for FY 2014 is that 85 percent of CAMP participants continue their postsecondary education after completing the first academic year of college. The national targets for subsequent years may be adjusted based on additional baseline data. The panel readers will score related selection criteria on the basis of how well an applicant addresses these GPRA measures. Therefore, applicants will want to consider how to demonstrate a sound capacity to provide reliable data on GPRA measures, including the project's annual performance targets for addressing the GPRA performance measures, as is required by the Office of Management and Budget approved annual performance report that is included in the application package. All grantees will be required to submit, as part of their annual performance report, information with respect to these GPRA performance measures.

5. *Continuation Awards:* In making a continuation award, the Secretary considers, under 34 CFR 75.253, the extent to which a grantee has made "substantial progress toward meeting the objectives in its approved application." This consideration includes the review of a grantee's progress in meeting the targets and projected outcomes in its approved application, and whether the grantee has expended funds in a manner that is consistent with its approved application and budget. In making a continuation grant, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

#### VII. Agency Contact

##### FOR FURTHER INFORMATION CONTACT:

Nathan Weiss, U.S. Department of Education, Office of Migrant Education, 400 Maryland Avenue SW., Room 3E321, Washington, DC 20202-6135. Telephone Number: (202) 260-7496, or by email: [nathan.weiss@ed.gov](mailto:nathan.weiss@ed.gov).

If you use a TDD or a TTY, call the FRS, toll free, at 1-800-877-8339.

#### VIII. Other Information

*Accessible Format:* Individuals with disabilities can obtain this document

and a copy of the application package in an accessible format (e.g., braille, large print, audiotope, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice.

*Electronic Access to This Document:* The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: [www.gpo.gov/fdsys](http://www.gpo.gov/fdsys). At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: [www.federalregister.gov](http://www.federalregister.gov). Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: December 11, 2013.

Deborah S. Delisle,  
Assistant Secretary for Elementary and  
Secondary Education.

[FR Doc. 2013-29821 Filed 12-13-13; 8:45 am]

BILLING CODE 4000-01-P

#### DEPARTMENT OF ENERGY

##### Extension of Public Comment Period for the Champlain Hudson Power Express Transmission Line Project Draft Environmental Impact Statement

**AGENCY:** Department of Energy.

**ACTION:** Extension of the public comment period.

**SUMMARY:** The U.S. Department of Energy (DOE) is extending the public comment period for the *Champlain Hudson Power Express Transmission Line Project Draft Environmental Impact Statement* (DOE/EIS-0447). The Draft EIS evaluates the environmental impacts of DOE's proposed Federal action of issuing a Presidential permit to the Applicant, Champlain Hudson Power Express, Inc. (CHPEI), to construct, operate, maintain, and connect a new electric transmission line across the U.S./Canada border in northeastern New York State.

**DATES:** The ongoing public comment period which opened on November 1, 2013, will remain open until January 15, 2014, an extension of 30 days.



**ADDRESSES:** Written comments on the Draft EIS may be provided on the CHPE EIS Web site at <http://www.chpexpresseis.org> (preferred) or addressed to Mr. Brian Mills, Office of Electricity Delivery and Energy Reliability (OE-20), U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585; by electronic mail to [Brian.Mills@hq.doe.gov](mailto:Brian.Mills@hq.doe.gov); or by facsimile to 202-318-7761.

**Availability of the Draft EIS:** Copies of the Draft EIS have been distributed to appropriate members of Congress, state and local government officials, American Indian tribal governments, and other Federal agencies, groups, and interested parties. Printed copies of the document may be obtained by contacting Mr. Mills at the above address. Copies of the Draft EIS and supporting documents are also available for inspection at the following locations:

- Queens Library—Steinway, 21-45 31 Street (Ditmars Boulevard), Long Island City, NY 11102
- Yonkers Public Library—Riverfront Library, 1 Larkin Center, Yonkers, New York 10701
- Rose Memorial Library, 79 East Main Street, Stony Point, NY 10980
- Kingston Public Library, 55 Franklin Street, Kingston, NY 12401
- Schenectady County Public Library, 99 Clinton Street, Schenectady, NY 12305
- Crandall Public Library, 251 Glen Street, Glens Falls, NY 12801
- Plattsburgh Public Library, 19 Oak Street, Plattsburgh, NY 12901

The Draft EIS is also available on the EIS Web site at <http://chpexpresseis.org> and on the DOE NEPA Web site at <http://nepa.energy.gov/>.

Issued in Washington, DC, on December 11, 2013.

**Brian Mills,**  
NEPA Compliance Officer, Office of  
Electricity Delivery and Energy Reliability.  
[FR Doc. 2013-29789 Filed 12-13-13; 8:45 am]

BILLING CODE 0450-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

*Docket Numbers:* ER11-4027-003; ER11-4028-003.

*Applicants:* James River Genco, LLC, Portsmouth Genco, LLC.

*Description:* Notice of Non-Material Change in Status of James River Genco, LLC, et. al.

*Filed Date:* 12/5/13.

*Accession Number:* 20131205-5177.

*Comments Due:* 5 p.m. ET 12/26/13.

*Docket Numbers:* ER14-318-001.

*Applicants:* The Connecticut Light and Power Company.

*Description:* LCRA with CMEEC Amended to be effective 1/1/2014.

*Filed Date:* 12/6/13.

*Accession Number:* 20131206-5087.

*Comments Due:* 5 p.m. ET 12/27/13.

*Docket Numbers:* ER14-319-001.

*Applicants:* Public Service Company of New Hampshire.

*Description:* Localized Cost Responsibility Agreement with CTMEEC Amended to be effective 1/1/2014.

*Filed Date:* 12/6/13.

*Accession Number:* 20131206-5119.

*Comments Due:* 5 p.m. ET 12/27/13.

*Docket Numbers:* ER14-320-001.

*Applicants:* Western Massachusetts Electric Company.

*Description:* Localized Cost Responsibility Agreement with CTMEEC Amended to be effective 1/1/2014.

*Filed Date:* 12/6/13.

*Accession Number:* 20131206-5112.

*Comments Due:* 5 p.m. ET 12/27/13.

*Docket Numbers:* ER14-538-000.

*Applicants:* Ameren Illinois Company.

*Description:* Sectionalizing Switch Replacement Letter Agreement with NEC to be effective 12/5/2013.

*Filed Date:* 12/5/13.

*Accession Number:* 20131205-5146.

*Comments Due:* 5 p.m. ET 12/26/13.

*Docket Numbers:* ER14-539-000.

*Applicants:* Arizona Public Service Company.

*Description:* Cancellation—Service Agreement No. 327 between APS and the City of Azusa to be effective 12/31/2013.

*Filed Date:* 12/6/13.

*Accession Number:* 20131206-5075.

*Comments Due:* 5 p.m. ET 12/27/13.

*Docket Numbers:* ER14-540-000.

*Applicants:* Arizona Public Service Company.

*Description:* APS Service Agreement No. 329—Azusa Simultaneous Exchange to be effective 2/5/2014.

*Filed Date:* 12/6/13.

*Accession Number:* 20131206-5078.

*Comments Due:* 5 p.m. ET 12/27/13.

*Docket Numbers:* ER14-541-000.

*Applicants:* Public Service Company of New Mexico.

*Description:* Order No. 784

*Compliance Filing to be effective 11/27/2013.*

*Filed Date:* 12/6/13.

*Accession Number:* 20131206-5099.

*Comments Due:* 5 p.m. ET 12/27/13.

*Docket Numbers:* ER14-542-000.

*Applicants:* Midcontinent Independent System Operator, Wolverine Power Supply Cooperative, Inc.

*Description:* 12-06-2013 SA 1316 Wolverine Grand Traverse IFA to be effective 11/8/2013.

*Filed Date:* 12/6/13.

*Accession Number:* 20131206-5120.

*Comments Due:* 5 p.m. ET 12/27/13.

*Docket Numbers:* ER14-543-000.

*Applicants:* Niagara Mohawk Power Corporation, New York Independent System Operator, Inc.

*Description:* Amendment of Niagara Mohawk's Wholesale TSC in the NYISO OATT to be effective 7/1/2013.

*Filed Date:* 12/6/13.

*Accession Number:* 20131206-5130.

*Comments Due:* 5 p.m. ET 12/27/13.

Take notice that the Commission received the following electric securities filings:

*Docket Numbers:* ES14-13-000.

*Applicants:* KCP&L Greater Missouri Operations Company.

*Description:* Application for Authorization of Issuance of Short-Term Debt Securities Under Section 204 of the Federal Power Act of KCP&L Greater Missouri Operations Company.

*Filed Date:* 12/6/13.

*Accession Number:* 20131206-5033.

*Comments Due:* 5 p.m. ET 12/27/13.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Dated: December 6, 2013.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2013-29812 Filed 12-13-13; 8:45 am]

BILLING CODE 6717-01-P

**ATTACHMENT 2**  
**EXAMPLE NEWSPAPER NOA**

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**ATTACHMENT 3**  
**RESPONSES TO ALL COMMENTS ON THE DRAFT EIS**

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Comment 101

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CHAMPLAIN HUDSON EXPRESS TRANSMISSION

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LINE PROJECT

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DOE EIS PUBLIC HEARING

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Monday, November 18, 2013

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Courtyard Marriott LaGuardia

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9010 Ditmars Boulevard

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East Elmhurst, New York 11369

Alderson Court Reporting  
1-800-FOR-DEPO

1 PARTICIPANTS

2

3 AGENCY REPRESENTATIVES/HEARING OFFICERS:

4 BRIAN MILLS

5 JODI MCDONALD

6 JULIE SMITH

7

8

9 PUBLIC PARTICIPANTS:

10 THOMAS RYAN

11 VINCENT ALBANESE

12 RICHARD THOMAS

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Alderson Court Reporting  
1-800-FOR-DEPO

## 1 PROCEEDINGS

2 (12:03 p.m.)

3 MS. SMITH: Hello. Good afternoon. Please go  
4 ahead, get signed up, and get seated as soon as you can.  
5 I'm Julie Smith. I'm with the U.S. Department of  
6 Energy. Just before we get started with the actual  
7 hearing and the proceeding, I'd like to have -- give  
8 some general housekeeping items.

9 For folks that want to make verbal comments,  
10 please make sure that you sign up on the registration  
11 table back of the room. As stenographer will be  
12 recording all of the verbal comments, so we ask that you  
13 speak clearly into the microphone, and please also state  
14 your name before you make your comment so that we can  
15 make sure that we have an accurate record of that. Any  
16 written comments that you have on the draft  
17 Environmental Impact Statement that you would like to  
18 hand in can be submitted, again, at the registration  
19 table at any point during the meeting.

20 One thing about hotel parking, you can have  
21 your hotel parking stubs validated at the front desk for  
22 a reduced charge of \$7.00. And with that, we can get

Alderson Court Reporting  
1-800-FOR-DEPO

1 started with the hearing. Thanks for coming.

2 MR. MILLS: Hi. I'm Brian Mills. Thank you  
3 for taking the time to attend this hearing. I work for  
4 the Department of Energy in the Office of Electricity  
5 Delivery and Energy Reliability. I along with Jodi  
6 McDonald from the U.S. Corps of Engineers will be the  
7 hearing's officers today.

8 The reason we are here is Champlain Hudson  
9 Power Express is proposing to construct an international  
10 transmission line. They've asked the Department of  
11 Energy for a presidential permit. A presidential permit  
12 is needed before any transmission line can be built  
13 across the U.S. international border. DoE determined  
14 that an environmental impact statement would be the  
15 appropriate level of analysis for a presidential permit.

16 This is a public hearing on the Champlain  
17 Hudson Power Express Transmission Line Project draft  
18 Environmental Impact Statement. That's a mouthful, so  
19 I'll call it the draft EIS. Once we begin the hearing,  
20 we will hear from you in the order you have signed up.  
21 If you wish to speak but do not -- but have not signed  
22 up, you can sign up at the registration table.

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1-800-FOR-DEPO

1           For those of you who may not be familiar with  
2 the process we go through in preparing an environmental  
3 impact statement or EIS and where we are for this  
4 particular project, I'll cover the steps. Although I'm  
5 sure all of you have read the draft EIS available on our  
6 EIS website, you can also find more detailed information  
7 for the process and this project on the website.

8           The first step in the process, we start public  
9 participation by issuing a Notice of Intent to Prepare  
10 an EIS. For this project, DoE issued our Notice of  
11 Intent on June 18th, 2010 and an amended notice on April  
12 30th, 2012. The Notice of Intent begins a process we  
13 call scoping, which is an opportunity for the public to  
14 tell us their issues and concerns related to the  
15 project. We use this input to help us prepare a draft  
16 EIS. If you commented during the scoping period, we  
17 used your scoping comments to determine which  
18 alternatives and issues we needed to address.

19           The next step in the process is to prepare a  
20 draft EIS. The draft EIS analyzes the foreseeable  
21 environmental impacts that might result from granting  
22 the permit. The draft EIS also identifies steps that

Alderson Court Reporting  
1-800-FOR-DEPO

1 might be needed to mitigate impacts. For this project,  
2 we issued the draft EIS on October 21st, 2013. After we  
3 issue a draft, we ask the public to comment on it during  
4 a public comment period. EPA opens the comment period  
5 by publishing a Notice of Availability in the *Federal*  
6 *Register*. The EPA notice for this draft EIS was in the  
7 *Federal Register* November 1st, 2013.

8           Since this is where we are in the process, I'm  
9 going to cover this a little bit more thoroughly. The  
10 comment period gives you the opportunity to tell us any  
11 changes that you would like to see in the draft EIS,  
12 what you think is wrong with the document, and how you  
13 think we should fix it. We are also looking for issues  
14 you think we missed or didn't cover as well as we  
15 should.

16           If you have questions as part of your comment,  
17 we will not be able to answer your questions today, but  
18 we will do so in the final EIS. It's also very helpful  
19 for your comments to cite specific sections or page  
20 numbers from the document itself. None of this is  
21 required, but it will help us to understand your  
22 comments.

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1           During the hearing, the hearing's officers may  
2 ask questions to allow you to clarify points you may be  
3 making. Whether you choose to speak or not, you are  
4 invited to submit written comments. Instructions to do  
5 so are provided on the board back here or are available  
6 on the registration table. All comments, whether  
7 written or oral, are treated the same and have equal  
8 weight.

9           For this draft EIS, we will continue to accept  
10 comments until December 16th, 2013. To the extent we  
11 can, we will also consider your comments submitted after  
12 that date. After the close of the comment period, we  
13 will write the final Environmental Impact Statement,  
14 which considers your comments. The final EIS will  
15 contain a comment response document that addresses  
16 comments received on the draft EIS. When completed, EPA  
17 will issue a Notice of Availability of the final EIS in  
18 the *Federal Register*, and again, we will post the  
19 document on the EIS website and send it out to the  
20 mailing list. No sooner than 30 days after EPA lets all  
21 of you *Federal Register* readers know the final EIS is  
22 out there, DoE may issue a Record of Decision on the

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1 presidential permit application. I hope that very  
2 general process outline is helpful to you.

3 I'd also like to mention a couple of other  
4 things about the draft EIS and this project. The  
5 Department of Energy has authority to permit the border  
6 crossing. The U.S. Army Corps of Engineers issues Clean  
7 Water Act permits. The State of New York has authority  
8 to cite transmission lines in New York. Several other  
9 Federal and State agencies are working with DoE and the  
10 Corps in preparing the draft EIS. The U.S.  
11 Environmental Protection Agency, the U.S. Fish and  
12 Wildlife Service, the U.S. Coast Guard, the New York  
13 State Department of Public Service, and the New York  
14 State Department of Environmental Conservation, are all  
15 cooperating agencies in the preparation of the draft  
16 EIS.

17 That was a lot to remember, so what you need  
18 to remember for this hearing is, one, comments received  
19 on the draft EIS will be included in the final EIS, and  
20 we will respond in the document to the comments  
21 received. Comments expressed at one of our hearings or  
22 provided to us by email or letter will be considered

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1 equally. And three, the comment period for the draft  
2 EIS closes on December 16th, 2013.

3 I will now turn this over to your hearing's  
4 officer, Jodi McDonald, from the U.S. Army Corps of  
5 Engineers.

6 MS. MCDONALD: Thank you, Brian. Good  
7 afternoon. I'm Jodi McDonald, Chief of the Regulatory  
8 Branch for the New York District, U.S. Corps of  
9 Engineers. I will be the presiding officer on behalf of  
10 the Corps of Engineers.

11 The Corps of Engineers is here today to obtain  
12 information and evidence and ensure coverage of core  
13 concerns, to assist in the regulatory review of a permit  
14 application by the Champlain Hudson Power Express for  
15 the installation and construction of a 336-mile power  
16 cable from the Canadian border through waters of the  
17 United States, including wetlands, as well as Lake  
18 Champlain, the Hudson River, Harlem River, and East  
19 River. The U.S. Department of Energy as lead Federal  
20 agency will make a decision whether to issue a  
21 presidential permit to allow crossing of the U.S. border  
22 to facilitate the operation of this power cable.

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1           The Corps of Engineers is neither a proponent  
2 for nor an opponent of the proposed work. Our role is  
3 to determine whether the proposed activity -- in this  
4 case, the installation of a power line in waters of the  
5 United States -- is in the overall public interest.  
6 This hearing will play an important part in that  
7 determination.

8           Please understand that we do not expect to  
9 answer questions from the dais in this hearing related  
10 to the proposal as we are here to obtain information and  
11 your comments. Questions on the regulatory process in  
12 general can be directed to my staff who are sitting in  
13 the audience here today.

14           The New York District has issued a public  
15 notice for this project with the comment period closing  
16 on December 16th, which is the same date as the EIS  
17 comment period. That public notice is currently posted  
18 on the New York District website, and that web address  
19 is [www.nan.usace.army.mil](http://www.nan.usace.army.mil), as in "military." We do have  
20 some copies available on the registration table as well.

21    If you are not currently on our public notice email  
22 distribution list and would like to receive an

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1 announcement for future public notices from my office,  
2 please provide your email address to one of the staff at  
3 the registration table today. Thank you.

4 MR. MILLS: We will now start the hearing.  
5 Thomas Ryan?

6 MR. RYAN: Thank you. My name is Thomas Ryan.  
7 I'm President of the Boilermaker's Local 5.

8 Distinguished members from the U.S. Department of  
9 Energy, thank you for providing this opportunity to the  
10 people of New York to weigh in on some of their concerns  
11 with the Champlain Hudson Power Express. I'm here today  
12 as the President of Boilermaker's Local 5, representing  
13 over 500 members from Long Island, New York City, from  
14 the southern tier, and throughout the north country.  
15 But I'm also here as a proud New Yorker and a father of  
16 four children with further reservations about this  
17 proposal -- proposed project and the negative  
18 environmental impact it would have for the next  
19 generation.

-101-01 **101-01:** Comment noted.

20 The developers of this line that would snake  
21 its way through New York and its great waterways have  
22 touted the signatures of some representatives of the New

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1 York delegation in support of the line. Yet when my  
2 colleagues and I personally met with the vast majority  
3 of these congressmen and women last spring, we were met  
4 with blank stares and disbelieving shakes of their  
5 heads. Some had no recollection of signing. Others  
6 seemed not overly committed to the project. But all of  
7 them had second thoughts and promised to look into the  
8 matter further and revisit their commitment. For that  
9 we are grateful to them and their staffs.

10 The Champlain Hudson Power Express will be a  
11 jobs killer for the greater New York City area,  
12 outsourcing skilled labor positions to a foreign country  
13 in exchange for a product we can and should be making  
14 here in New York. Our economy, environment, and our  
15 quality of life now hang on a delicate thread. Do we as  
16 a Nation give our environment over to the hands of  
17 another country, albeit currently a friendly one? I, my  
18 family, and the tens of thousands of vital building and  
19 constructions trades members in this great metropolis  
20 emphatically respond no.

21 Just in the last couple of years, our great  
22 city and State has had a tragic loss of life,

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101-02

**101-02:** An estimated average 300 direct construction jobs would be created, and approximately 26 direct, full-time employees would be hired to operate the proposed Champlain Hudson Power Express (CHPE) Project as stated in Sections S.8.18 and 2.6.18 of the Environmental Impact Statement (EIS). Additional indirect and induced jobs would be associated with construction, maintenance, inspections, and possible emergency repairs. It is likely that existing local workers from New York State would be able to meet these workforce demands of the project. The proposed CHPE Project would not directly outsource any jobs to foreign countries.

1 infrastructure, and the environment due to severe  
2 storms. As catastrophic losses they were, could we  
3 imagine if we were held hostage by power traveling  
4 hundreds of miles on towers over land and within our  
5 rivers and lakes? We need to rely on power generation  
6 produced in our back yards to survive whatever storms we  
7 must weather.

101-03

**101-03:** Comment noted. The development of in-state electric power generation is outside the scope of the EIS.

8 I swam in the Hudson River and lived to tell  
9 about it. I wish my children and my children's children  
10 the same. But this Canadian power line is nothing more  
11 than a large extension cord with a single customer,  
12 whose only vested interest in the delicate environment  
13 of the great State of New York is one of commercialism  
14 and greed. Just in my short lifespan, I have seen where  
15 dependence on foreign energy and foreign natural  
16 resources has led this great Nation of ours: embargo,  
17 rationing, and war. We should not depend on others for  
18 our vital needs, but ourselves and our fellow New  
19 Yorkers. Americans should not sacrifice their  
20 environment, their energy independence, or their  
21 children's future for the promise of miniscule savings  
22 on our electrical bill.

101-04

**101-04:** Comment noted.

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Comment 102

14

1           I would like to thank you again for this  
2 opportunity, and we trust the United States Department  
3 of Energy and ultimately the Office of the President of  
4 the United States to hear the cry of its citizens and  
5 say no to the Champlain Hudson Power Express. I will  
6 save the time, but I would also like to submit an open  
7 letter that ran in one of the publications, city and  
8 State, that was signed by members -- representing  
9 members of the District Council of Carpenters, Local 638  
10 of the Steam Fitters, Boilermaker's Local 5, Utility  
11 Workers Union of America, and also the IBEW. Thank you.

12           MR. MILLS: Vincent Albanese?

13           MR. ALBANESE: Vincent Albanese, New York  
14 State Laborers. I represent the New York State  
15 Laborers' Union with 40,000 members employed in the  
16 construction industry and other fields throughout the  
17 State. Our members are organized into more than 35  
18 local unions and five district councils. We're a proud  
19 affiliate of the Laborers' International Union of North  
20 America.

21           The Champlain Hudson Power Express  
22 Transmission Project would create more than 300

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1 construction jobs for our members from Clinton County  
 2 along the route to Queens County during the three and a  
 3 half year construction period. It's also estimated that  
 4 during peak construction, there'll be up to 600  
 5 construction jobs. The construction jobs will be  
 6 associated with the construction of a power -- of a  
 7 converter station and the installation of the  
 8 transmission cable within the State. Our members would  
 9 also be involved in the construction of temporary access  
 10 roads, site excavation, and site restoration.

11 We have eight local unions represented  
 12 throughout the geographic region of this project. The  
 13 Champlain Hudson Power Express would provide work  
 14 opportunity in the communities where they live, which  
 15 would benefit these communities greatly. The Champlain  
 16 Hudson Power Express is a 333-mile underground  
 17 transmission line that will bring up to a thousand  
 18 megawatts of clean, renewable energy to New York State.

19 Two six-inch wide cables will be buried under  
 20 Lake Champlain, the Hudson, Harlem, and East Rivers,  
 21 along railroads, and other public rights-of-way. By  
 22 burying the line, this project will have minor impacts

102-01 **102-01:** Comment noted.

102-02

**102-02:** Comment noted. The cooling stations and the Luyster Creek Converter Station would be aboveground. In some locations, the cooling stations might be visible to surrounding areas considered aesthetic resources, but would be within the context of the existing visual environment and would either not change or only minimally change the existing character of the viewshed.

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1 on communities and the environment. There will be  
2 temporary minimal impact during construction of the  
3 line. Once installed, there will be no visual impacts.  
4 Transmission Developers, Inc., or TDI, is committed to  
5 constructing the line using the highest environmental  
6 standards to protect New York State's, waters and  
7 communities, and natural beauty.

102-02

8 The Champlain Hudson Power Express Project  
9 will provide clean hydropower to fuel economic growth  
10 with significant environmental and consumer benefits.  
11 The project will reduce sulphur dioxide and greenhouse  
12 gas emissions. The project will add options to the  
13 State's energy selection and increase the electric  
14 grid's safety and security. This new, tough  
15 infrastructure will be less susceptible to damage from  
16 natural disasters. A \$117 million environmental trust  
17 will be established to improve the aquatic environments  
18 in Lake Champlain, the Hudson, Harlem, and East Rivers.

102-03

**102-03:** Comment noted.

19 The construction jobs created by the Champlain  
20 Hudson Power Express Project will result in an increase  
21 in the demand of goods and services within the State.  
22 The project will also mean direct spending in New York,

102-04

**102-04:** Comment noted.

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1 including non-labor installation costs, as well as fees  
 2 and taxes paid to the local and State government. As  
 3 there are more revenues and sales, businesses will have  
 4 more profits and, therefore, be able to hire more people  
 5 to make investments in the community.

102-04

6 The \$2.2 billion project will be financed  
 7 completely by the private sector with no responsibility  
 8 on the customer for the cost of development or operation  
 9 of the line. Three hundred direct jobs will be created  
 10 during the three and a half year construction period,  
 11 peaking at 600 construction jobs. During the  
 12 construction phase of the Champlain Hudson Power Express  
 13 Project, there will be more than 1,200 indirect jobs in  
 14 New York State from suppliers, businesses, and the local  
 15 community along the route.

16 The New York State Public Service Commission  
 17 approved the Champlain Hudson Power Express Project in  
 18 April of this year. We're here to urge you to grant  
 19 Federal permits to transmission developers quickly so  
 20 that this important transmission line project can move  
 21 forward. This project means jobs for many of our local  
 22 union members and opportunities for the State that would

102-05

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**102-05:** The U.S. Department of Energy (DOE) is responsible for reviewing the Presidential permit application submitted by CHPE, Inc. (i.e., the Applicant) and determining whether to grant a permit to the Applicant for an electrical transmission system that crosses the U.S. international border. If issued, the Presidential permit granted by the DOE to the Applicant would authorize it to construct, operate, maintain, and connect the U.S. portion of the proposed CHPE Project at the U.S./Canada border. This EIS was prepared by DOE in accordance with the National Environmental Policy Act (NEPA) to address the potential impacts of issuing the Presidential permit for the proposed CHPE Project. Only after completion of additional steps, including preparation of the Final EIS, publication of a Notice of Availability of the Final EIS in the *Federal Register*, a 30-day waiting period, and issuance of a Record of Decision, will DOE make its final decision as to whether or not to issue the Presidential permit for the proposed CHPE Project. The Applicant is required to consult with and obtain permits from several other Federal and state government agencies for the proposed CHPE Project. DOE is not responsible for these other permits.

## Comment 103

18

1 benefit our communities for years to come. Thank you. ↑ 102-05

2 MS. MCDONALD: Thank you.

3 MR. MILLS: Are there any other registered --  
4 anyone else would like to speak? If not -- would you  
5 like to -- if no one else wants to speak, this hearing  
6 is adjourned. No, we have one?

7 MR. THOMAS: Yes. Thank you. My name is  
8 Richard Thomas. I'm the Director of New York AREA.  
9 It's an acronym for Affordable Reliable Electricity  
10 Alliance. I have a statement on behalf of my Chairman,  
11 Jerry Kremer.

12 In conjunction with today's Army Corps of  
13 Engineers' hearing on the draft Environmental Impact  
14 Statement on the Champlain Hudson Power Express, a 330-  
15 plus mile high voltage transmission line running from  
16 Quebec to Queens, New York AREA issues the following  
17 statement.

18 The Champlain Hudson Power Express Project is  
19 unquestionably bad for New York. It means higher  
20 electricity prices, lost jobs, and a less reliable  
21 electric grid. In fact, it is merely a special interest  
22 project that will have no benefit for hardworking New ↓ 103-01

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**103-01:** The New York State Public Service Commission (NYSPSC) identified in their Certificate of Environmental Compatibility and Public Need issued for the proposed CHPE Project in April 2013 that “the Project would serve the public interest, convenience and necessity” and “increase the reliability of the Bulk Power System in New York City [and] reduce wholesale market prices.” Additionally, the proposed CHPE Project would result in an estimated average 300 direct construction jobs created, and approximately 26 direct, full-time employees hired to operate the proposed CHPE Project as stated in Section 2.6.18 of the EIS. Additional indirect and induced jobs would be associated with construction, maintenance, inspections, and possible emergency repairs. It is likely that existing local workers from New York State would be able to meet the workforce demands of the project.

1 Yorkers, including those struggling upstate communities. 103-01

2           Indeed, the Champlain Hudson Power Express

3 Project is nothing more than a high voltage extension

4 cord from Canada to New York City that will make a giant

5 sucking sound as it takes billions of dollars annually

6 out of New Yorkers' pockets and across the border.

7 There is no doubt that we can make electricity at a 103-02

8 lower cost and more reliably here in New York, and that

9 should be the focus of our energy policy. At a time

10 when America is on the verge of becoming energy

11 independent, and indeed an energy exporter, the

12 Champlain Hudson Project takes us backwards.

13           Our energy infrastructure will also be

14 degraded by this precedent-setting project. The greater

15 the distance that electricity has to travel, the more

16 expensive and less reliable it is. And due to these

17 reasons, a broad coalition from labor, business, and the 103-03

18 environment community opposes this project and will

19 continue to do so through all available avenues. I'll

20 submit this statement to you.

21           MR. MILLS: Thank you.

22           MS. MCDONALD: Thank you.

**103-02:** Comment noted. The source of electric power to be transmitted through the proposed CHPE Project is outside the scope of the EIS.

**103-03:** The proposed CHPE Project would consist of a high-voltage direct current (HVDC) transmission system. HVDC transmission is more efficient over long distances than high-voltage alternating current (HVAC) transmission systems because there is no need to charge the capacitance (as is required for HVAC transmission cables) and transmission losses are significantly reduced. Additionally, the proposed CHPE Project would provide greater reliability because the HVDC transmission cables would be armored and underwater/underground so that they operate within a constant temperature range and are not subject to thermal derating, which can limit power flow at high ambient temperatures.

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1           MR. MILLS:  Anyone else want to speak?  
2           (No response.)  
3           MR. MILLS:  This hearing is adjourned.  
4           (Whereupon, at 12:36 p.m., the meeting was  
5 adjourned.)  
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CHAMPLAIN HUDSON EXPRESS TRANSMISSION

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LINE PROJECT

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DOE EIS PUBLIC HEARING

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Monday, November 18, 2013

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Stony Point Center

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17 Cricketown Road

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Stony Point, New York 10980

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## 1 PARTICIPANTS

2

## 3 AGENCY REPRESENTATIVES/HEARING OFFICERS

4 BRIAN MILLS JULIE SMITH

5 JODI MCDONALD JAMES PALMER

6

## 7 PARTICIPANTS:

8 DOUGLAS JOBSON BRIAN MCPARTLAND

9 THOMAS BASILE MARY ELLEN FURLONG

10 GEOFFREY FINN BRED A BECKERLE

11 ANNIE WILSON TIMOTHY WALDRON

12 DEAN TAMBURRI ROBERT KNIGHT

13 SUSAN FILGUERAS BARRY BROOKS

14 FRANK COLLIER RICH THOMAS

15 STEVEN REICH STEVEN BECKERLE

16 WELLINGTON CASCLES JACQUELYN DRECHSLER

17 REBECCA CASCLES MICHAEL DIEDRICH

18 HAYLEY CARLOCK ALEX GUARINO

19 LAURRIE COZZA JIM MCDONALD

20 KATHERINE REDMOND LUANNE KONOPKA

21 STEVEN LUDWIGSON

22

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So just so that everybody understands how the hearing will proceed, those folks who would like to make verbal comments, if you haven't signed up out at the registration table, please do so so that we can make sure that we get you on the speaker list. A stenographer will be recording all verbal comments, so we ask that you speak clearly in the microphones as well as state your name before you speak so that we have an accurate record and that we know what you're saying. Any written comments that you may have on the draft Environmental Impact Statement, we ask that you hand

4

1 those over tonight so that we can also get a proper  
2 record of those and make those a part of the public  
3 record for the document. And you can submit those also  
4 at the registration table.

5 SPEAKER: Is it the 16th we should mail it  
6 in?

7 MS. SMITH: Absolutely. The public comment  
8 period closes on December 16th, so you can mail those or  
9 email those in. But if you just wanted to provide  
10 written comments tonight, we are accepting those.

11 Also because of the crowd and the number of  
12 speakers that we have this morning, we will ask that you  
13 keep your verbal comments to three minutes. We do have  
14 a timekeeper to help you move your comments along. But  
15 if you don't get through your entire comments and you  
16 have that in written form, again, please make sure you  
17 submit that so that we have a full record of your full  
18 comments.

19 And with that, thank you very much for your  
20 time in coming, and we will get started with the  
21 hearing.

22 MR. MILLS: I'm Brian Mills. Thank you for

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1 taking your time to attend this hearing. I work for the  
2 Department of Energy in the Office of Electricity  
3 Delivery and Energy Reliability. I along with Jodi  
4 McDonald from the U.S. Corps of Engineers will be the  
5 hearing's officers today.

6 The reason we are here is Champlain Hudson  
7 Power Express is proposing to construct an international  
8 transmission line. They've asked the Department of  
9 Energy for a presidential permit. A presidential permit  
10 is needed before any transmission line can be built  
11 across the U.S. international border. DoE determined  
12 that an environmental impact statement would be the  
13 appropriate level for analysis for this presidential  
14 permit.

15 This is a public hearing on the Champlain  
16 Hudson Power Express Transmission Line Project draft  
17 Environmental Impact Statement. That's amouthful, so  
18 I'll call it the draft EIS. Once we begin the hearing,  
19 we will hear from you in the order you have signed up.  
20 If you wish to speak but have not signed up, you can  
21 sign up at the registration table.

22 For those of you who may not be familiar with

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1 the process we go through in preparing an environmental  
2 impact statement -- an EIS -- and where we are at for  
3 this particular project, I'll cover the steps. Although  
4 I'm sure you've all read the draft EIS available on our  
5 EIS website, you can also find more detailed information  
6 for the process and this project on the website.

7         The first step in the process, we start  
8 public participation by issuing a Notice of Intent to  
9 Prepare an EIS. For this project, DoE issued our Notice  
10 of Intent on June 18th, 2010 and an amended notice on  
11 April 30th, 2012. The Notice of Intent begins a process  
12 we call scoping, which is an opportunity for the public  
13 to tell us their issues and concerns related to the  
14 project. We use this input to help us prepare a draft  
15 EIS. If you commented during the scoping period, we  
16 used your scoping comments to determine which  
17 alternatives and issues we needed to address.

18         The next step in the process is to prepare a  
19 draft EIS. The draft EIS analyzes the foreseeable  
20 environmental impacts that might result from granting  
21 the permit. The draft EIS also identifies steps that  
22 might be needed to mitigate impacts. For this project,

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1 we issued the draft EIS on October 21st, 2013. After we  
2 issue a draft, we ask the public to comment on it during  
3 a public comment period. EPA opens the comment period  
4 by publishing a Notice of Availability in the *Federal*  
5 *Register*. The EPA notice for this draft EIS was in the  
6 *Federal Register* November the 1st, 2013.

7           Since this is where we are in the process,  
8 I'm going to cover this a little bit more thoroughly.  
9 The comment period gives you the opportunity to tell us  
10 any changes you would like to see in the draft EIS, what  
11 you think is wrong about the document, and how you think  
12 we should fix it. We are also looking for issues you  
13 think we missed or didn't cover as well as we should.

14           If you ask questions as part of your comment,  
15 we will not be able to answer your questions today, but  
16 we will do so in the final EIS. It's also very helpful  
17 for your comments to cite specific sections of the-- or  
18 page numbers from the document itself. None of this is  
19 required, but it will help us to understand your  
20 comments.

21           During the hearing, the hearing's officers  
22 may ask questions to allow you to clarify points you are

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7

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2 issue a draft, we ask the public to comment on it during  
3 a public comment period. EPA opens the comment period  
4 by publishing a Notice of Availability in the *Federal*  
5 *Register*. The EPA notice for this draft EIS was in the  
6 *Federal Register* November the 1st, 2013.

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8 I'm going to cover this a little bit more thoroughly.  
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11 you think is wrong about the document, and how you think  
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15 we will not be able to answer your questions today, but  
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18 page numbers from the document itself. None of this is  
19 required, but it will help us to understand your  
20 comments.

21           During the hearing, the hearing's officers  
22 may ask questions to allow you to clarify points you are

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1 I'd also like to mention a couple of other  
2 things about the draft EIS and this project. The  
3 Department of Energy has authority to permit the border  
4 crossing. The U.S. Army Corps of Engineers issues Clean  
5 Water Act permits. The State of NewMexico -- New York  
6 has authority to cite transmission lines in New York.  
7 Several other Federal and State agencies are working  
8 with DoE and the Corps in preparing the draft EIS.  
9 These are the U.S. Environmental Protection Agency, the  
10 U.S. Fish and Wildlife Service, the U.S. Coast Guard,  
11 the New York State Department of Public Service, and the  
12 New York State Department of Environmental Conservation  
13 These are all cooperating agencies in the preparation  
14 of the draft EIS.

15 That was a lot, so what you need to remember  
16 for this hearing is, one, comments received on the draft  
17 EIS will be included in the final EIS, and we will  
18 respond in the document to the comments received. Two,  
19 comments expressed at one of our hearings or provided to  
20 us by email or letter will be considered equally.  
21 Three, the comment period for the draft EIS closes on  
22 December 16th, 2013.

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10

1 I will now turn this over to your other  
2 hearing's officer, Jodi McDonald, from the U.S. Army  
3 Corps of Engineers.

4 MS. MCDONALD: Thank you, Brian. Good  
5 afternoon. I am Jodi McDonald. I'm Chief of the  
6 Regulatory Branch for the New York District Army Corps  
7 of Engineers. I will be the presiding officer on behalf  
8 of the Corps at today's hearing.

9 The Corps of Engineers is here today to  
10 obtain information and evidence and ensure coverage of  
11 core concerns, to assist in the regulatory review of a  
12 permit application by Champlain Hudson Power Express,  
13 Incorporated for the installation and construction of a  
14 336-mile power cable from the Canadian border through  
15 the waters of the United States, including wetlands, as  
16 well as Lake Champlain, the Hudson River, Harlem River,  
17 and East River. The U.S. Department of Energy as lead  
18 Federal agency will make a decision whether to issue a  
19 presidential permit to allow the border crossing to  
20 facilitate the operation of this power cable.

21 The Corps of Engineers is neither a proponent  
22 for nor an opponent of the proposed work. Our role is

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11

1 to determine whether the proposed activity-- in this  
2 case, the installation of a power line in waters of the  
3 United States -- is in the overall public interest.  
4 This hearing will play an important part in that  
5 determination.

6 Please understand that we do not expect to  
7 answer questions from the dais in this hearing related  
8 to the proposal as we are here to obtain information and  
9 to receive your comments. Questions on our regulatory  
10 process in general can be directed to my staff member  
11 who's in the audience today. June, if you would raise  
12 your hand.

13 The New York District has issued a public  
14 notice for this project with the comment period closing  
15 on December 16th, which is the same closing date as the  
16 draft EIS. That public notice is currently posted on  
17 our New York District website. The website address is  
18 [www.nan.usace.army.mil](http://www.nan.usace.army.mil), as in "military." We do have  
19 some copies of that public notice available on our -- on  
20 the registration table as well. If you're not currently  
21 on our public notice email distribution list and would  
22 like to receive an email announcement for future public

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1 notices from my office, please provide your email  
2 address to one of the staff members at the registration  
3 table. Thank you.

4 MS. SMITH: Yeah. Again for the folks that  
5 are by the door, if you want -- we need to create some  
6 space back by the doors. So please find a seat if you  
7 will and sit in the audience with us.

8 MS. MCDONALD: There are seats.

9 MS. SMITH: Yeah, there are definitely seats  
10 to the left of the room. We do want you to stay.

11 MS. MCDONALD: Are we ready?

12 MR. MILLS: We're ready.

13 MS. MCDONALD: Should I bang the gavel?

14 MR. MILLS: Yes, bang the gavel, and we'll  
15 call these first speakers.

16 MS. MCDONALD: We don't usually -- do you  
17 usually do Pledge of Allegiance?

18 MR. MILLS: We don't, but we can.

19 MS. MCDONALD: I don't have a problem with  
20 it.

21 MR. MILLS: Let's -- do you want to lead it?

22 MS. MCDONALD: We've had a request to do the

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## Comment 104

13

1 Pledge of Allegiance, so if you would all stand, please.

2 (Pledge of Allegiance.)

3 MS. MCDONALD: Thank you.

4 MS. SMITH: Thank you.

5 (Pounding of gavel.)

6 MS. MCDONALD: We're going to begin the  
7 hearing right now. Mr. Mills will call the first  
8 speaker.

9 MR. MILLS: Douglas Jobson

10 MR. JOBSON: Good evening, everyone, ladies  
11 and gentlemen. Locals of -- members of Local 754 and,  
12 you, the members of the Department of Energy and the  
13 Army Corps of Engineers, I'd like to thank you for  
14 coming to our community tonight to hear our concerns.

15 I rise in opposition of this line, and I will  
16 explain to you why. I know there's another unionized  
17 group in the county that is in favor of this because  
18 it's going to bring some work to their membership, and I  
19 respect their view on that. But I have to rise in  
20 opposition to this, and I feel that there is no economic  
21 nor environmental benefit to the Town of Stony Point to  
22 allow this line to begin in another nation north of us

104-01

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**104-01:** The proposed CHPE Project would result in an estimated average of 300 direct construction jobs and approximately 26 direct, full-time employees during the operational phase in addition to indirect or induced jobs in other industries (see Section 2.6.18 of the EIS). Installation of the transmission cable would also avoid impacts on the Haverstraw Bay Significant Coastal Fish and Wildlife Habitat (SCFWH) that contains important habitat for Endangered Species Act (ESA)-listed species.

14

1 in Canada to come through out backyard and end up in the  
2 five boroughs where it's going to end. 104-01

3 Over time, if you listen to what's been said  
4 and you understand what's going on here, I don't  
5 understand why we should be played, a small community,  
6 with sensitive things, such as Revolutionary War  
7 cemeteries, marinas, waterways, environmental concerns  
8 that should really be heard out totally before this  
9 takes place and this thing could be pushed through. The  
10 problem with things like this is they're never put to a  
11 public referendum because you know the way the public  
12 would vote. It would easily be voted down. So it's  
13 brought this way, which I think is bad for our  
14 community.

15 I don't think that after what this community  
16 went through with divestiture of our assets -- we had  
17 two perfectly good power plants in our back yard here  
18 forever and ever, amen, and all of a sudden--

19 (Applause.)

20 MR. JOBSON: -- overnight people had to -- we  
21 had to basically auction them off and the local utility  
22 had to sell their means of production. They had to sell

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15

1 these companies and form two smaller companies out of  
2 it. Horrible from day one. They bring people up from  
3 right-to-work States down south, one of the outfits that  
4 bought it. They hire people for a slashed wage. They  
5 learn everything they can from these people, and they  
6 turn around and fire them after they drain all the  
7 information and the years of experience that they have  
8 from these people.

9 There's no benefit for us. With terrorism  
10 and all the things that go on in this Nation today that  
11 we see and throughout the world, why would you want to  
12 put a power line with the on and off switch in a foreign  
13 country's hands in Canada, north of us, to control  
14 something that's going to come through our State and our  
15 backyard? There's no real rational reason for it. And  
16 it's unfortunate that it has come to this. I was hoping  
17 the idea for this would never get off the ground.

18 It's bad economically. It's bad  
19 environmentally. There's going to be no major job  
20 creation long term out of this. And I just don't feel  
21 that there's any grabbing rationale that we'd let this  
22 go forward. I would -- wish that the Public Service

104-02

**104-02:** Comment noted. The proposed CHPE Project would be a merchant transmission facility that would provide electricity, primarily generated in Canada from hydroelectric and wind sources, to the New York City metropolitan area.

104-03

**104-03:** See response to Comments 104-01 and 104-02.

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## Comment 105

16

1 Commission when they do review this, I wish they would  
2 choose not to go forward and deny this permit. Thank  
3 you.

4 (Applause.)

5 MR. MILLS: Thomas Basile?

6 MR. BASILE: Good evening. From my time at  
7 EPA in Washington and working for the Department of  
8 Defense, I've had the opportunity to work with the DoE  
9 and the Army Corps for -- on a number of occasions. We  
10 appreciate your professionalism, and we appreciate you  
11 being here tonight.

12 I also rise in opposition to this line. It  
13 is very clear that from cross border conversations that  
14 have happened between the State and the Federal  
15 government that there is an interest in increasing  
16 hydroelectric power into the United States. But you  
17 need to know that if the Federal government backs this  
18 project in any way, that people of the Town of Stony  
19 Point and Rockland County will fight in the courts and  
20 in the court of public opinion to prevent this cable and  
21 the others that will likely follow it from coming on  
22 shore here in our historic town.

105-01 **105-01:** Comment noted.

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17

1 If CHPE is to proceed, it should be routed  
 2 through the Hudson River bed where it is currently  
 3 slated to run for hundreds of miles, bypassing every  
 4 other town along its route except this one. The  
 5 presidential permit is to allow a cable line to come  
 6 through the territorial waters of the United States.  
 7 But in the Town of Stony Point where you are standing,  
 8 it comes on land, and that would be a grave injustice to  
 9 the people of this town.

105-02

10 There is no conclusive evidence or convincing  
 11 evidence that the cable will adversely impact the  
 12 river's ecosystem adjacent to here in Stony Point as  
 13 opposed to anywhere else. And let me tell you  
 14 something. I've always been of the opinion that the  
 15 needs of people be considered the higher purpose and  
 16 priority than those of fish.

105-03

17 This is not about nimbyism, it's not about  
 18 opposing progress, and this is not political in any way.  
 19 It's about the lives of the people of this town, its  
 20 economic future, and the jobs for local area residents.

21 According to the most recent route maps, the  
 22 land-based route through Stony Point will require CHPE

105-04

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**105-02:** The Haverstraw Bay Alignment, under which the transmission line would have continued in the Hudson River through the bay rather than transition to land from Stony Point to Clarkstown, was initially proposed by the Applicant in its 2010 Presidential permit application as identified in Section 2.5.1 of the EIS. However, as a result of negotiations during the NYSPSC Article VII process, it was not included in the Joint Proposal or in the NYSPSC Certificate for the proposed CHPE Project because Haverstraw Bay contains important habitat for ESA-listed fish species. Avoidance of the Haverstraw Bay SCFWH would also comply with conditions developed in coordination with the New York State Department of State (NYSDOS) to make the proposed CHPE Project compliant with the New York State Coastal Management Program. Therefore, this previously proposed component of the route is not now part of the proposed CHPE Project route as approved in the NYSPSC Certificate.

**105-03:** Haverstraw Bay contains important habitat for ESA-listed fish species. It was determined through the Joint Proposal process that impacts from the proposed CHPE Project could be greater in the Haverstraw Bay SCFWH than elsewhere in the Hudson River (see EIS Sections 2.3 and 5.3.5).

**105-04:** The Applicant and 13 signatory parties submitted the Joint Proposal to the NYSPSC in February 2012. The Joint Proposal reflected route and project changes that resulted from negotiations with state agencies and stakeholder organizations pursuant to the NYSPSC Article VII Certificate review process for the project. The proposed CHPE Project route analyzed in the Draft EIS reflected the route approved by NYSPSC in the Certificate granted in April 2013. Property owners would receive just compensation from the Applicant for use of a portion of their property for the transmission line right-of-way (ROW). It is anticipated that easements negotiated with private landowners would be bilateral easements in which the Applicant and landowner mutually agree to the easement provisions. However, the NYSPSC has authorized the use of eminent domain for the Applicant to obtain limited easements or leases for the transmission line ROW in areas outside of the roadway and railroad ROWs if negotiations with private landowners are not successful.

18

1 to pursue eminent domain or condemnation against  
 2 homeowners and other private and commercial entities  
 3 across the town to accommodate a 50-foot deviation zone  
 4 for the cable. The number of jobs that would be created  
 5 by this project are also highly suspect, but this is one  
 6 thing that is absolutely clear. The number of jobs that  
 7 are created by this project, if any, would have the  
 8 effect of killing, by my calculation, at least 1,000  
 9 local jobs, particularly in the construction trades, but  
 10 also in engineering, retail, and facility management.  
 11 The Town of Stony Point is currently advancing an  
 12 economic development program and a Sandy recovery  
 13 strategy that will revitalize our community and drive  
 14 hundreds of million dollars' worth of investment capital  
 15 to this town and also produce revenue-- millions of  
 16 dollars in revenue to make this town more affordable and  
 17 sustainable to the future.

18 Let me be clear. Should CHPE be allowed to  
 19 come on land, not only will dozens of residential  
 20 properties be adversely affected and the property values  
 21 of hundreds of town residents, costing residents  
 22 millions in personal wealth, be affected, the

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105-04

105-05

105-06

**105-05:** See response to Comment 104-01. There is no evidence that the proposed CHPE Project would reduce the availability of existing jobs.

**105-06:** The terrestrial portion of the transmission line would be underground along the general perimeter of properties and not visible; therefore, its presence generally would not result in a detriment to private property values. Easement payments to landowners would compensate landowners for any access or use restrictions placed on private properties and would offset any potential impacts on property values. The Applicant would also pay for any land restoration costs associated with conditions that might exist after construction or any emergency repairs that might be required. See Section 5.3.18 of the EIS for the discussion of property values within the terrestrial portion of the Hudson River Segment. See response to Comment 106-03 regarding impacts on future economic development in Stony Point.

19

1   aforementioned commercial projects and the ancillary  
 2   economic development derived may not be possible. The  
 3   route and the deviation zone will scar the landscape of  
 4   this town through its most vital areas, leaving a trail  
 5   of human and economic wreckage in its wake.

105-06

6           Take this message back to General Bostick and  
 7   take it back to the Secretary, please. Do not  
 8   underestimate the amount of opposition to this cable  
 9   being brought on land in Stony Point and in Rockland  
 10   County. You want your cross-border hydroelectric? I  
 11   think I can probably live with that. But put the cable  
 12   in the river where it belongs, and do not underestimate  
 13   our ability or our willingness to fight this proposed  
 14   route. Jobs will be lost, personal wealth will be lost,  
 15   economic development will be stifled, and the damage  
 16   will be irreparable. We will not permit this  
 17   discrimination, and we will not permit this injustice to  
 18   be perpetrated against the people of this town. Thank  
 19   you very much.

105-07

105-08

20           (Applause.)

21           MR. MILLS: Geoffrey Finn?

22           MR. FINN: Thank you. Geoffrey Finn,

**105-07:** Installation of the transmission cables in the terrestrial portion of the Hudson River Segment (i.e., buried configuration along the CSX Transportation (CSX) railroad ROW in the communities of Stony Point and Haverstraw, and the U.S. Route 9W ROW in Clarkstown) would avoid impacts on the Haverstraw Bay SCFWH (see EIS Section 5.3.5). Haverstraw Bay contains important habitat for ESA-listed fish species. Avoidance of the Haverstraw Bay SCFWH would also comply with conditions developed by NYSDOS to make the proposed CHPE Project compliant with the New York State Coastal Management Program.

**105-08:** See response to Comment 104-01. There is no evidence that the proposed CHPE Project would reduce the availability of existing jobs or negatively impact economic development.

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## Comment 106

20

1 Supervisor, Town of Stony Point. We've had these  
 2 meetings. I'm glad to see this room packed here  
 3 tonight, and I see a lot of 754 members here as well. I  
 4 used to be a 754 member. My father is a 50-year  
 5 member, so --

6 (Applause.)

7 MR. FINN: That being said, I represent the  
 8 people of Stony Point. I'm not sure that this will  
 9 create jobs for 754. This will create for Canadians,  
 10 people north of Albany and whatnot. We want to create  
 11 our own energy right here. That's how we can put our  
 12 people back to work. Let's put our Stony Pointers or  
 13 Rockland County employees --

14 (Applause.)

15 MR. FINN: Let's put our people from New York  
 16 back to work. And we can do that by creating our own  
 17 energy here. We had a Lovett site. It's torn down.  
 18 It's a piece of grass right now. It's doing nothing  
 19 except -- well, I'll get into that in a minute. We can  
 20 create our own energy right here -- Haverstraw or Stony  
 21 Point, and put everyone back to work.

22 I was in a deli this morning. I'll give an

106-01

**106-01:** Comment noted. Employment in Canada is outside the scope of the EIS.

106-02

**106-02:** Comment noted. Analyzing additional electrical generation in southeastern New York State to meet increasing demand was not within the scope of the EIS. The purpose of the EIS is to analyze the environmental impacts of granting a Presidential permit for the proposed CHPE Project. Also see response to Comment 107-03. As noted, the proposed CHPE Project would not prevent the development of other projects.

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21

1 example. We just signed a contract with Tappan Zee  
2 Bridge Constructors for a staging area here in Stony  
3 Point. We have a vacant piece of land where our Lovett  
4 site used to stand. And right now, we have probably  
5 about 30 to 40 people on the grounds up there. Let's  
6 have that trickle-down effect.

7 I'm in the deli this morning. I got someone  
8 in front of me ordering about 30 to 40 sandwiches, 30 to  
9 40 cups of coffee. That all trickles down and helps all  
10 our local businesses. We bring people to work in our  
11 town. They will help each and every one of us. They'll  
12 help our taxpayers. They'll help our tax-- businesses  
13 that are paying top dollars here in Stony Point. That's  
14 what we need.

15 This will also affect many other  
16 opportunities we have here. We're talking about  
17 waterfront property with about 100 condos and two  
18 waterfront restaurants that this line will run right  
19 through. That will probably stop that project. We're  
20 also looking at a half a billion dollar green energy  
21 plant right here in Stony Point. This line runs right  
22 through that. Those are millions of dollars in business

106-03

**106-03:** The proposed CHPE Project would generally follow the perimeter of existing marinas in Stony Point and would not preclude redevelopment associated with these marinas. Redevelopment of the marinas has been added to the cumulative impacts analysis in Section 6.1 of the Final EIS. Given its location, the proposed CHPE Project would not prevent the development of these projects. There is no known reasonably foreseeable future "green energy plant" proposed for Stony Point. As of March 2013, a waste-to-energy gasification plant (Stony Point Waste to Energy Project), which was proposed by MBC Contractors, Inc., to be located on Holt Drive just north of the Haverstraw-Stony Point border, has been withdrawn by the developers.

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22

1 that we can generate here in Stony Point, in Rockland  
2 County, in New York. Not New Mexico, sir, New York.

↑  
106-03

3 And that's what we need to do.

4 And we cannot jeopardize this by allowing  
5 this line to come here. It's an extension cord. That's  
6 all it is, a 330-mile extension cord coming from Canada  
7 all the way to Queens. We don't need it. We don't want  
8 it. We can put our own people back to work here. And  
9 we may be a small town, but we're going to be loud. I

106-04 106-04: Comment noted.

10 know Susan has been leading the pack on this for a long  
11 time, the Casscles.

12 (Applause.)

13 MR. FINN: But we're not going to sit down  
14 and be quiet about this. We're going to make sure we're  
15 heard, and we would appreciate if you guys would respect  
16 the people of Stony Point, the people of Rockland  
17 County, and get these people back to work right here in  
18 our town. Thanks.

19 (Applause.)

20 MR. MILLS: Are there any other elected  
21 officials who wish to speak?

22 (No response.)

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## Comment 107

23

1 MR. MILLS: Annie Wilson?

2 MS. WILSON: Okay. Hi, good evening. I'm  
3 Annie Wilson, and I work with the New York Environmental  
4 Justice Project in the city, and generally, we serve the  
5 disenfranchised and underserved populations, and I have  
6 been involved in this process since its beginning. And  
7 I would like to bring several issues to your attention  
8 tonight and will follow up with written comments by due  
9 date.

10 First of all, would it be possible to extend  
11 the comment period by at least 45 to 180 days given the  
12 volume of review and the expertise needed for both the  
13 Department of Energy, EIS, and the U.S. Corps of  
14 Engineer materials? It's a lot to demand competent  
15 review in such little time.

107-01

**107-01:** DOE extended the comment period on the Draft EIS for an additional 30 days until January 15, 2014. All comments received are addressed in the Final EIS (see EIS Section 1.7.3).

16 There are many details which I cannot cover  
17 here tonight. But, for example, the three-mile  
18 extension in Queens, which was not part of your initial  
19 review by the State Public Service Commission and  
20 certificate that was issued in April of this past year.  
21 Wouldn't that require some kind of amended application  
22 by the developer back to the State-- back to the State?

107-02

**107-02:** The Draft EIS and the NYSPSC process included analysis of the approximate 3-mile Astoria to Rainey interconnection (see Section 2.4.1 of the EIS) and, therefore, would not require an amended application.

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1 It seems to be appropriate. And I think this needs to  
 2 be one of the top priorities as a next step for this  
 3 process.

4 I would like to address specifically for  
 5 tonight because the jobs issue is obviously very, very,  
 6 very relevant, and the fact that there are so little  
 7 jobs -- long-term jobs created by this cable of a  
 8 thousand megawatts into Queens. The jobs are in Canada;  
 9 they're not here in New York. This project displaces  
 10 New York jobs. New York City, for example, has quite a  
 11 bit of program for 5,000 megawatts of potential solar  
 12 roofs. The State has a SunShot Program. There's plenty  
 13 of potential here in Stony Point and issues with other  
 14 power suppliers that are being disregarded as a supply  
 15 option.

16 And I will cite Section 7.2 in the-- what is  
 17 the summary document? Past sentences state that the  
 18 "DoE has determined that conservation and demand  
 19 reduction measure alternatives alone is not a reasonable  
 20 alternative, and, therefore, not addressed further in  
 21 the EIS." This decision is based on the New York State  
 22 2009 Energy Plan. There has been the Governor's-- what

107-03

**107-03:** See response to Comment 104-01. The proposed CHPE Project would not prevent the development of other projects, energy-related or otherwise.

107-04

**107-04:** Comment noted. The proposed CHPE Project route is within an area designated as the Mid-Atlantic Area National Corridor, which is one of two National Interest Electric Transmission Corridors. Also see response to Comment 103-01 regarding economic impacts of the proposed CHPE Project.

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## Comment 108

25

1 is known as the Energy Highway Plan. There have been  
2 other initiatives. And certainly the Department of  
3 Energy needs to review what are -- what is the existing  
4 potential at this time and other programs that exist in  
5 the State of New York.

6 The national interest determination by the  
7 Department of State needs to look at the economic  
8 reasons to oppose this project. This project is not in  
9 the national interest. Thank you very much.

107-04

10 (Applause.)

11 MR. MILLS: Dean Tamburri? Dean Tamburri?

12 (Applause.)

13 MR. TAMBURRI: Good evening, everyone. My  
14 name is Dean Tamburri. I am in favor of this project.  
15 The company TDI has committed to using local labor.  
16 They have committed to using trained labor. We,  
17 Laborer's Local 17 and Laborer's Local 754, have trained  
18 hundreds of construction workers anywhere from OSHA 30,  
19 HAZMAT, asbestos, currently working with Orange and  
20 Rockland on the downed power lines for emergency  
21 services.

108-01

**108-01: Comment noted.**

22 We have -- currently have hundreds of members

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26

1 at the United States Military Academy, DEP projects, New  
2 Bridge, Beacon Bridge, Tappan Zee Bridge. These jobs  
3 are for the construction workers who have suffered for  
4 so many years without projects. They're going to be  
5 great paying jobs for them and their families with  
6 benefits.

7 We believe that the -- this is going to be  
8 built and we're going to be a part of it. And we would  
9 like to ask at this point is that everyone on all  
10 projects would support local building trades on all the  
11 projects and help them out as well. Thank you.

12 (Applause.)

13 MR. MILLS: Susan?

14 MS. FILGUERAS: Me?

15 MR. MILLS: Yes.

16 MS. FILGUERAS: Susan Filgueras. I live here  
17 in the Town of Stony Point, and, yes, I have headed the  
18 opposition to this. But first, let me acknowledge all  
19 of the men here in orange tonight, and thank you for  
20 coming out and supporting your union and yourselves.

21 What bothers me and what is, I find, very  
22 frightening is that as I read through these documents,

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## Comment 109

27

1 there are 26 jobs, and labor will be imported because it  
 2 is specialized. And I will continue, but I want you to  
 3 know that I appreciate, I sympathize, and I want you to  
 4 go to work. I want you to go to work six days a week,  
 5 eight hours a day, maybe 10 for two hours' overtime. I  
 6 want you working. But I want you working building the  
 7 Bowline and the Lovett and power here in New York State  
 8 in Rockland County. But thank you, gentlemen.

9 (Applause.)

10 MS. FILGUERAS: Now, onto the harder stuff.  
 11 I am going to ask tonight for a 180-day extension on  
 12 this process for the following reasons. We have been  
 13 frantically trying to clear through well over 3,000  
 14 pages of material. And we are not utility specialists.  
 15 We are not all of you folks, and thank you, thank you  
 16 for being here. We are trying to understand what this  
 17 mammoth process is that is going to tear through our  
 18 county. We need that extension.

19 Added to that, I tried to confirm this  
 20 meeting here at this facility tonight. I called and  
 21 asked for the DoE Champlain Hudson Power Express  
 22 meeting. What? We don't have one of those meetings.

109-01

**109-01:** See response to comment 104-01. Some specialized jobs might require bringing in trade experts from elsewhere in New York State or from some other location.

109-02

**109-02:** See response to Comment 107-01. In addition, appropriate notifications were provided about the public hearing in Stony Point (see EIS Appendix P). The notification letter submitted with the Draft EIS to the mailing list in EIS Appendix E also announced the public hearings, the details for which were posted on the CHPE EIS Web site (<http://www.chpexpresseis.org>).

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1 I'll be right down. And as I came down, we had to  
 2 literally call the manager at home to call somebody else  
 3 to get it -- to figure out that this was the Champlain  
 4 Hudson Power Express-Department of Energy DEIS hearing.  
 5 People didn't know.

109-02

6 Added to that, we have a Hispanic population.  
 7 I have not seen Hispanic outreach. And if this project  
 8 -- there are six different maps or I've lost count of  
 9 how many there are -- goes through some of the low lying  
 10 areas in Stony Point, they will go clear through a  
 11 fairly substantial population. Haverstraw, the back end  
 12 of Hudson Avenue, is Hispanic, yet no Hispanic outreach  
 13 has been done. Typically through this process, the  
 14 Champlain Hudson Power Express has shown nothing but  
 15 contempt for the people of Rockland County. I am asking  
 16 for a 180-day extension.

109-03

17 Added to that, I also sent to the New York  
 18 State Public Service Commission the following: "This  
 19 notice is to inform you that the trajectory for the  
 20 Champlain Hudson Power Express has been extended by  
 21 three miles from 333 to 336, depending on which document  
 22 you read. At the end -- and it ends at the Ravenswood

109-04

**109-03:** DOE followed accepted practices in notifying the public about the availability of the EIS and the planned public hearings (see response to Comment 109-02). No special accommodation requests were received by DOE in advance of the hearings, including anything associated with the Hispanic populations in the area.

**109-04:** The proposed CHPE Project transmission line terminates at the Rainey Substation, which was addressed in the EIS (see response to Comment 107-02). There have been no changes to the proposed CHPE Project, including no proposal to terminate the transmission line at the Ravenswood Generating Station.

For Comments 109-05 through 109-08 and their responses, see the pages following Comment 130.

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1 Generating Station owned by TransCanada. Does this  
2 significant change require a review by the New York  
3 State Public Service Commission, or will an amended  
4 application be required?" I've gone through the  
5 documents. I'm not saying it's not there. It has ended  
6 at each point at Rainey. The maps show it ends at  
7 Ravenswood, so I have asked the New York State Public  
8 Service Commission officially for clarification on that.

109-04

9 I need to sit down. I didn't finish.  
10 (Applause.)

11 MS. SMITH: Please submit the written  
12 comments to us so that we have all of those.

13 MS. FILGUERAS: So that you know, I'll have  
14 written comments.

15 MS. SMITH: Okay, great.

16 MR. MILLS: Frank Collins?

17 MR. COLLIER: Collier.

18 MR. MILLS: Collier, gotcha.

19 MR. COLLIER: Good evening. Frank Collier of  
20 the Town of Stony Point. Thank you all very much for  
21 having this meeting.

22 A couple of things that caught my eye in this

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## Comment 110

30

1 -- in this EIS is the economic impact on our town. Now,  
 2 as this thing has been wending its way through, we've  
 3 had meetings here in town. We see that there is-- it's  
 4 going to come down the railroad, but there's going to be  
 5 a deviation zone off here so they can kind of fit it all  
 6 in as they need. The deviation zone goes into private  
 7 property, so the deviation zone will probably take this  
 8 private property by eminent domain. So it will affect a  
 9 number of people in Stony Point, like the Casscles, the  
 10 Beckerles. One other -- a large organization in Stony  
 11 Point is going to put in this gasification plant that  
 12 was talked about before. That's not been considered. I  
 13 don't believe there has been any consideration for the  
 14 economic impact on our town of what's coming through.  
 15 Now, when this -- when this deviation zone  
 16 comes through, there are other companies out there now  
 17 in the wings who waiting to come through with their  
 18 extension cord from Canada, and they're going to come  
 19 down, and they're going to have to either stay in a  
 20 deviation zone or alongside it. So this is going to  
 21 expand and expand and expand. What you will allow with  
 22 this is will become magnified in the future. So we

110-01

**110-01:** See response to Comment 105-04.

110-02

**110-02:** Section 6.1.2 of the EIS discusses potential cumulative impacts from other past, current, and future activities when combined with the proposed CHPE Project. There are no known reasonably foreseeable future “gasification plants” proposed for Rockland County, New York. As of March 2013, a waste-to-energy gasification plant (Stony Point Waste to Energy Project), which was proposed by MBC Contractors, Inc., to be located on Holt Drive just north of the Haverstraw-Stony Point border, has been withdrawn by the developers.

110-03

**110-03:** Comment noted. The potential cumulative impacts from the proposed CHPE Project when combined with other projects, including transmission system projects, are discussed in Section 6.1 of the EIS.

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## Comment 111

31

1 really have to pay attention to what that's going to be.

2 So I would ask you to please take a look at that.

↑ 110-03

3 And again, I'd like to thank you for the  
4 union guys that are here. I'd like to see you bring an  
5 American company building an American power plant in  
6 Stony Point for Americans to work in. Thank you.

7 (Applause.)

8 MR. MILLS: Steven Wright?

9 MR. REICH: Good evening, everybody. My name  
10 is Steven Reich. I'm the Business Manager for the  
11 Laborers. I represent a lot of these orange guys. And  
12 we absolutely hear everything you guys are saying, and  
13 actually in the beginning we were not fully supportive  
14 of this whole thing. But as time has gone by, we got to  
15 put men to work. We've seen Bowline 3 stall. We've  
16 seen, you know, Lovett stall. We've seen the energy  
17 highway just blah. TDI, they talked to our  
18 international people, signed an agreement, made an  
19 agreement to use local union laborers on this part of  
20 this. We had the agreement signed. And we agreed to  
21 support them.

22 After looking at -- what we can tell from the

↓ 111-01

**111-01:** See response to Comment 109-05.

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1 DEIS and from what we see in general, the vast majority  
2 of it is on already established rights-of-way. There is  
3 some deviations, like the gentleman before me said, and  
4 those definitely have to be dealt with. I wasn't able  
5 to read fast enough to see --

111-01

6 SPEAKER: (Off audio.)

7 MR. REICH: I'm not saying -- it has changed  
8 the route. The route has changed. But we-- in general  
9 we see this as one part of the overall thing, and we  
10 would like to see this in combination with Bowline 3 and  
11 -- or whether it be Tompkins Cove, because the energy,  
12 as we all know, is going to be needed in the next 20,  
13 40, 60, 80 years. So just to have-- and we definitely  
14 want home generation. But to have one part of our  
15 energy source at least as an outlet from Canada, who--  
16 I don't consider them our enemies. I don't think it's a  
17 bad thing.

111-02

**111-02:** Comment noted.

18 So overall, we're with you guys in Stony  
19 Point. Many of my members live here. I mean, we --  
20 North Rockland is here. I mean, we are North Rockland,  
21 we really are. And we understand your concerns. We  
22 also have members that would treat this place like they

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## Comment 112

33

1 live here because they do.

2 So however this thing turns out, either way,

3 we're together, all right? Thanks.

4 (Applause.)

5 MR. MILLS: Wellington Casscles?

6 MR. CASSCLES: Okay. Wellington Casscles is  
7 my name. I live at 69 Beech Road. I've lived there all  
8 my life. I come in this evening-- I have some maps in  
9 the back of the room, the terrestrial maps. The ones  
10 you guys got back there are from 2012. They've been  
11 changed four times since then. Mr. Jessome came to town  
12 in February with a new set of maps. I don't think you  
13 guys got them.

14 But going by the maps that you do have, Stony  
15 Point has about two miles worth of railroadright-of-  
16 way. Out of that two miles, this project is going to be  
17 in the right-of-way seven-tenths of a mile. The rest of  
18 it is town, county, private propertythat they're going  
19 to have to take eminent domain.

20 We've got, like they said, the gasification  
21 plant and condos at the end of the street where I am.  
22 If we lose those two, we're going to lose our whole tax

112-01 **112-01:** See response to Comments 105-04 and 109-05.

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1 base, and there ain't nobody in this town that will be  
2 able to afford to live here.

3 This project does nothing for Stony Point but  
4 carve a path through. Like they said before, there's  
5 six or seven other outfits out there waiting for this.  
6 If this gets approved, you can't stop then. The  
7 deviation is always going to be even longer, okay?

8 Back in June, Mr. Jessome was here. I gave  
9 him a set of questions I needed answers, and they're  
10 just simple questions: how big are the reels of cable,  
11 how much does it weigh per foot, how do you plan on  
12 getting it here. To this day, I still haven't got an  
13 answer. Tonight he says he's going to send a guy to my  
14 house. We'll see.

15 Okay. As far as the labor union, hey, I'm  
16 pulling for you. I used to belong to IBEW's 363. This  
17 job is only going to be in Stony Point or Roeland  
18 County for six months tops. They're coming through and  
19 they're gone. Build a power house, you go five years  
20 plus, plus the people that are going to be here.

112-02 112-02: Comment noted. See response to Comment 109-05.

21 (Applause.)

22 MR. CASSCLES: Plus the people who are going

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1 to be here afterwards running the place. Yeah,  
 2 everybody's got a right to work. I would rather see you  
 3 guys go out and fight for a five-year job versus a four-  
 4 month job. You got the bridge and everything else going  
 5 right now. Get behind us on this, and we'll see what we  
 6 can do.

7 Worst case, put it back in the damn river.  
 8 The DEC says we can't eat the fish.

9 (Applause.)

10 MR. CASSCLES: But in the meantime we're  
 11 trying to protect the fish that we can't eat, you know  
 12 in Cornwall where the sturgeons spawn. They spawn in  
 13 Cornwall so they're going to work around that time of  
 14 the year. They won't work around it for Haverstraw  
 15 because nothing spawns there. They spawn up above and  
 16 they come back into Haverstraw. Well, while they're  
 17 spawning, why don't we do the Haverstraw end of it?  
 18 After they're done spawning, do the other half. Thank  
 19 you.

112-03

20 (Applause.)

21 MR. MILLS: Rebecca Casscles?

22 MS. CASSCLES: Rebecca Casscles, 69 Beech

**112-03:** Haverstraw Bay is a major spawning, nursery, and overwintering area for various estuarine fish species. Depending on the location of the saltwater/freshwater interface in the Hudson River, the majority of the spawning of Atlantic sturgeon occurs in Haverstraw Bay northward to Coxsackie (see Section 3.3.5 of the EIS). During the NYSPSC Article VII process that culminated in the Joint Proposal, New York State agencies (including the New York State Department of Environmental Conservation [NYSDEC] and NYSDOS) required that the proposed transmission line avoid Haverstraw Bay in accordance with conditional concurrence of the proposed CHPE Project with the New York State Coastal Management Program (CMP).

For Comment 112-04 and its response, see the pages following Comment 130.

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## Comment 113

36

1 Road. Please pardon my back. I think you labor  
 2 gentlemen are going to be interested in knowing that TDI  
 3 is a wholly owned company by the Blackstone Group. This  
 4 is the company that -- with the financial advisors for  
 5 the Mirant Company before, during, and after the  
 6 bankruptcy. The very company that wants to hire you is  
 7 the company that put two of our power plants out of  
 8 business, took them offline, okay?

9 (Applause.)

10 MS. CASSCLES: My husband spoke about the  
 11 deviation zone. TDI is going to give Rockland County  
 12 for 7.66 miles, \$796,640 a year. Meanwhile, the houses  
 13 -- one house along the rail line, not all the one-eighth  
 14 of a mile, which, by the way, they're going to be able  
 15 to take. We're losing a million dollars a year in  
 16 revenue. If this goes through, I am going to file for a  
 17 tax reduction because my home will not be worth what it  
 18 normally is.

19 I'm also going to quote from the Public  
 20 Service Commission decision of April 18th, 2013.  
 21 "Eminent domain will be used." It has to be used, it  
 22 must be used to make this go through.

113-01

**113-01:** Private landowners would be compensated for use of their land to bury the transmission line and, if appropriate, to offset a potential reduction in property values. It is possible that municipal tax revenues from property taxes could also change; however, such changes would be expected to be minimal. It also is likely that any such change would be more than offset by the estimated \$800,000 tax revenue to Rockland County from the proposed CHPE Project (see Section 5.3.18 of the EIS).

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1 Production cost analysis. The only ones that  
 2 will capture any type of money from this will be  
 3 captured by the applicants, their financial backers,  
 4 and/or users of the facility. Jobs-- listen carefully,  
 5 gentlemen and ladies. "The applicant's evidence on job  
 6 creation was incomplete in a fundamental way," page 3.  
 7 Also on page 3, "The record is void on the critical  
 8 question of whether these jobs would be offset or more  
 9 than offset by the jobs displaced at the conventional  
 10 generating facilities that will not" -- will not -- "be  
 11 built as a consequence."

113-02

12 Transmission corridor developers, page 19 and  
 13 74. "Will the approval CHPE set a precedent"-- pardon  
 14 me -- "for the approval of future transmission lines?"  
 15 The answer is yes because there's already other  
 16 companies out there waiting. Green power-- "At no time  
 17 does the PSC decision confirm the percentage of green  
 18 power. Fracking will be used to install the  
 19 transmission line." No environmental impact statement  
 20 was done for the land installation for Rockland County,  
 21 none. I'd like to know why not. Everybody else has to  
 22 do it.

113-03

113-04

113-05

113-06

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**113-02:** The source of power to be transmitted through the proposed CHPE Project is outside the scope of the EIS. During preparation of this EIS, DOE considered other reasonable alternatives to the CHPE Project (see Section 2.5 of the EIS), but ultimately eliminated these alternatives from further detailed analysis. The alternatives considered included route alignments, upland transmission routes, conservation and demand reduction measures, use of HVAC vs. HVDC technology, and various interconnection and converter station alternatives. The purpose of the proposed CHPE Project is to deliver power into the New York City metropolitan area electrical market; therefore, no other generation sources, such as conventional generating facilities, were considered as alternatives.

The NYSPSC reviewed the jobs analysis in its Certificate and found that the jobs analysis was but one factor and had no positive or negative weight in its decision to issue the Certificate. Also see response to Comment 104-01.

**113-03:** See response to Comment 110-03.

**113-04:** Comment noted. See response to Comment 110-02.

**113-05:** The proposed CHPE Project transmission line would be designed to avoid impacts when crossing existing utility lines, including natural gas pipelines, through utility crossing agreements developed in consultation with utility providers. In underwater crossings, the transmission cables would be buried or laid on the surface of the bottom of the water body over the existing utility and protective coverings would be installed. Terrestrial underground utility crossings would be assessed to determine whether open trenching or a trenchless method (i.e., horizontal directional drilling (HDD) technology, horizontal boring, or pipe jacking) would be appropriate (see EIS Section 2.4.3). Hydraulic fracturing, or fracking, would not be used during the installation process.

**113-06:** The EIS addressed and analyzed potential impacts associated with installation of the proposed CHPE Project transmission line along the terrestrial portion of the Hudson River Segment (see EIS Section 5.3).

38

1           The Ramapo Fault Line. CHPE will cross over  
 2   the fault line. What are the consequences for us?  
 3   Evacuation plans. I live right next to the CSX rails.  
 4   Who's going to be responsible for developing an  
 5   evacuation plan, which, by the way, ladies and  
 6   gentlemen, is a Federal mandate. National security.  
 7   Who's going to protect us if this line goes through?

113-07

**113-07:** During a seismic event, which would be rare, it is possible that damage to the transmission line could be sustained; however, seismic events in the Hudson River Segment have a low potential for damage (see Section 5.3.9 of the EIS). Health and safety risks, including the potential for terrorism, were analyzed in the EIS (see Section 5.3.14), but are unpredictable. Most of the project infrastructure is underwater or underground and the risk from terrorism activity would be no greater than aboveground transmission lines.

8           Taxes. How do we recoup the lost revenue for  
 9   the devaluation of our properties should the CHPE  
 10   transmission, in fact, be built? One million dollars  
 11   today, \$796,640 yearly from TDI. That's going to be  
 12   divided by Rockland County, the towns that are involved  
 13   in this, as well as the school district. It means each  
 14   one of these entities, if they're lucky, will get  
 15   \$222,000 a year, not a million, \$222,000.

113-08

**113-08:** See response to Comment 113-01.

16           And finally, this forces New York City's  
 17   dependence on foreign produced electric. I say American  
 18   jobs for American people. Let's build power plants.

113-09

**113-09:** Comment noted. See response to Comment 103-02.

For Comments 113-10 through 113-13 and their responses, see the pages following Comment 130.

19           (Applause.)

20           MR. MILLS: Hayley Carlock?

21           MS. CARLOCK: Good evening. My name is

22   Hayley Carlock, and I am the environmental advocacy

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## Comment 114

39

1 attorney with Scenic Hudson. Scenic Hudson is a non  
2 profit group which works to protect and restore the  
3 Hudson River and is the largest environmental group  
4 focused on the Hudson River Valley.

5 I participated in the Department of Energy  
6 scoping statement hearing back over three years ago now,  
7 and came there with serious concerns about the impacts  
8 of installing a cable within the Hudson River estuary.  
9 And around the same time, Scenic Hudson became involved  
10 with the Public Service Commission Article 7 siting  
11 proceeding.

12 However, after two years plus of living and  
13 breathing this project up in Albany, we achieved  
14 significant improvements to the route, and after  
15 commissioning an expert report by ESS Group, which  
16 detailed the potential environmental impact of the  
17 project, and, of course, through our own review, we  
18 concluded that the impacts to the estuary would be  
19 minimal and were outweighed by the benefits of the  
20 project as long as certain conditions were met.

21 We were pleased to see the project route  
22 changed to avoid sensitive areas in the Hudson River,

114-01 **114-01:** Comment noted.

114-02 **114-02:** Comment noted.

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1 including Haverstraw Bay. The route as it is in the EIS  
2 avoids directly transiting 12 out of the 17 significant  
3 coastal fish and wildlife habitats in the estuary. And  
4 in areas where it will be transiting the Hudson River,  
5 there are exclusion zones of particularly sensitive  
6 areas where cable installation will be avoided.

114-02

7 In addition, the cables would be buried to  
8 the maximum depth achievable, expected to be at least  
9 six feet below the sediment water interface, except in  
10 limited areas where there's bedrock or debris where it  
11 may have to be covered, and they'll also be installed  
12 vertically on top of one another, which both minimizes  
13 the heat from the cables and as well pretty much ends up  
14 in the magnetic field cancelling out. Underwater cable  
15 installation activities would be limited to certain  
16 times of the year to avoid life cycle impacts on  
17 migratory species as well as the American chad, winter  
18 flounder, striped bass, and other fish populations.

114-03

**114-03:** Comment noted.

19 There will be continuous monitoring of water  
20 quality. There will be pre- and post-installation  
21 benthic and sediment monitoring, bathymetry, temperature  
22 and magnetic field studies, and pre- and post-

114-04

**114-04:** Comment noted.

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1 installation surgeon tracking studies, all of which will  
2 work to ensure that construction is not impacting that  
3 water quality and aquatic species.

114-04

4 And while Scenic Hudson did become involved  
5 in the project primarily due to concerns about the  
6 potential impacts of the Hudson River, we carefully  
7 evaluated the impacts of undergrounding the line on land  
8 before advocating for this option to avoid especially  
9 sensitive habitat, including in Haverstraw Bay. The vast  
10 majority of the eight-mile terrestrial route in Rockland  
11 County is within the railroad right-of-way and with some  
12 along Route 9W. There would certainly be some temporary  
13 disturbances, but no permanent significant impact.

114-05

**114-05:** Comment noted.

14 (Murmuring by audience members.)

15 MS. CARLOCK: In the limited distance  
16 traversed under Stony Point Battlefield State Park, Hook  
17 Mountain State Park, and Rockland Lake State Park,  
18 horizontal directional drilling techniques will be used  
19 to allow installation of the transmission line without  
20 disturbing the surface of the parks.

114-06

**114-06:** Comment noted.

21 As mentioned earlier, there will be no  
22 electrical field and small magnetic fields that will

114-07

**114-07:** Comment noted.

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1   dissipate with distance from the line.

2               (Murmuring by audience members.)

3               MS. CARLOCK: While we approached this

4   project in 2010 with deep concerns about its

5   environmental impacts, we believe that the environmental

6   impacts from this project will generally be temporary in

7   nature and overall represent a small impact to the

8   Hudson River. Thank you.

9               SPEAKER: -- stop talking. She's going to

10   have to stop talking. Your time is over.

11              MS. CARLOCK: Thank you very much.

12              MR. MILLS: We don't need any help from the

13   audience, please.

14              (Applause.)

15              MS. SMITH: We ask that everyone respects

16   folks when they're speaking whether or not they are

17   speaking with -- in terms of -- support your opinion or

18   not. And there are other folks that did get a little

19   bit more time. So we appreciate your patience and

20   respect of all the speakers.

21              (Applause.)

22              MR. MILLS: Laurie Cozza?

↑ 114-07

114-08   **114-08:** Comment noted.

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## Comment 115

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1 MS. COZZA: Hi. I, too, am a resident of  
 2 Stony Point, and I also request that we receive an  
 3 extension. I'm deeply concerned with the fact that an  
 4 environmental impact statement has not been done on the  
 5 land portion going through Stony Point and Haverstraw.  
 6 We have a Superfund site in Stony Point known  
 7 as Kay Fries. We also have a Brownfield site at our  
 8 past dump. These issues have not been addressed. We  
 9 have wetlands. All of this is in a very small area, and  
 10 I really think that it has to be looked at before this  
 11 project is allowed to proceed. We have no idea what the  
 12 consequences could be.

13 I also would have to say the Casscles, and  
 14 Susan, and Frank have expressed what a lot of us are  
 15 feeling, and I won't take any more time. I appreciate  
 16 you being here. Thank you very much.

17 (Applause.)

18 MR. MILLS: Kathleen Redmond?

19 MS. REDMOND: Hi. I'm Katherine Redmond from  
 20 Tompkins Cove. And I really put on my list that I maybe  
 21 would have a comment because I really am not all that  
 22 familiar with it.

115-01 **115-01:** See response to Comment 107-01.

115-02 **115-02:** Section 5.3 of the EIS addresses and analyzes potential impacts associated with installation of the proposed CHPE Project transmission line along the terrestrial portion of the Hudson River Segment.

115-03 **115-03:** Superfund sites in the vicinity of the proposed CHPE Project in the Hudson River Segment are discussed in Sections 3.3.15 and 5.3.15 of the EIS.

115-04 **115-04:** Comment noted. Wetlands are discussed in Sections 3.3.8 and 5.3.8 of the EIS.

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## Comment 116

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1 But something strikes me about what's going  
2 on here. It seems to me like we have an adversarial  
3 kind of thing going on between the union people and the  
4 people in the town. I could be wrong. And when I say  
5 that, I don't mean to imply that we're-- everybody I  
6 know is in favor of unions working. We all are. All  
7 I'm saying is I think we could combine our efforts, the  
8 union efforts for this project. And if we could just  
9 take that line and move it back into the river and off  
10 the land, if we don't put it through Stony Point. We  
11 don't put it through Haverstraw. And if the union  
12 combines with us to support that move, we can work  
13 together and try to save the fish. And I think that  
14 might be really great because if--

116-01 **116-01:** See response to Comment 105-02.

15 And, you know, one of the other things that  
16 struck me. We're worried about the fish, and yet the  
17 line that's supposed to be moved onto the land in Stony  
18 Point, the Indian Point Nuclear Power Plant is right  
19 across the river from there. If that hasn't damaged in  
20 some degree -- hasn't had an impact on the fish  
21 population, I think for sure we could work around this  
22 electrical line and try to help the fish out. Thank

116-02 **116-02:** Comment noted. Section 6.1.1.6 of the EIS discusses potential cumulative impacts from other past, current, and future activities when combined with the proposed CHPE Project.

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1 you.

2 (Applause.)

3 MR. MILLS: Eugene Creasy?

4 (No response.)

5 MR. MILLS: Steven --

6 MS. MCDONALD: Ludwigson.

7 MR. MILLS: -- Ludwigson?

8 MR. LUDWIGSON: Good evening. My name is  
9 Steve Ludwigson. I'm the Business Manager for the  
10 Boilermakers Local 5. I represent the boilermakers in  
11 all of New York State, with the exception of the 16  
12 counties located around Buffalo, New York. Our members  
13 are highly skilled professionals with expertise that  
14 comes only with extensive training and years of  
15 practice.

16 I'm here tonight to state on the record that  
17 Boilermakers Local 5 opposes the Champlain Hudson Power  
18 Express Line and the proposed Federal action of granting  
19 of a presidential permit to construct, operate, and  
20 maintain, and connect a new electric transmission line  
21 across the U.S.-Canada border in northeastern New York  
22 State.

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## Comment 117

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1           The Champlain Hudson Power Express Line --  
2   excuse me -- which proposes to bring a thousand  
3   megawatts of power directly from Canada to New York  
4   City, would do nothing to strengthen the State's  
5   electricity grid. Practically speaking, the  
6   transmission line is a large extension cord that would  
7   bypass all of our State's existing energy sources and  
8   transmission infrastructure, such as Upstate New York  
9   plants that have an excess of available power instead of  
10   enhancing the overall capacity and stability of New  
11   York's power grid. New York will not be able to benefit  
12   from the low cost power these upstate plans could be  
13   producing and will instead become completely reliant on  
14   a foreign source of electricity. Our good friends in  
15   Canada will get new jobs, and New Yorkers will get the  
16   bill.

117-01

**117-01:** In its Certificate for the proposed CHPE Project, the NYSPSC identified that the Project would (1) alleviate existing transmission constraints, (2) protect the security of the transmission network, and (3) enhance system reliability. Also see responses to Comments 104-01 and 104-02.

17           While we support an electricity highway that  
18   improves the State's energy infrastructure and generates  
19   union jobs for New Yorkers, we reject CHPE's proposal as  
20   a jobs killer. For maximum benefits to New York,  
21   especially in job retention and creation, new  
22   electricity infrastructure should support current and

117-02

**117-02:** Comment noted. Development of in-state power sources is outside the scope of the EIS. Also see response to Comment 110-02.

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1 new in-State power generation.

2 New York needs to improve the transmission  
3 grid in the upstate and western regions so that in-State  
4 power can be transported more efficiently, more  
5 economically, and in greater quantity throughout the  
6 State. Investing in our transmission infrastructure  
7 will lead to new jobs being created and new  
8 opportunities for energy development throughout the  
9 State.

10 We can't ignore the obvious. New York  
11 already has a very substantial generating capacity that  
12 can be expanded upon to meet our State's needs. New  
13 York can and should keep up with growing demand by  
14 ensuring the continued operation of our in-State energy  
15 sources and constructing new plants both upstate and  
16 downstate as necessary. There are several shovel-ready  
17 sites that are already permitted or pending permits in  
18 the Hudson Valley that could meet this demand and keep  
19 New Yorkers working and the revenue generated in State.

20 In order to have a strong 21st century  
21 economy, New York needs to build and produce products.  
22 We can no longer afford to be viewed only as consumers

117-02

117-03

**117-03:** Comment noted. In its Certificate for the proposed CHPE Project, the NYSPSC found that issuing the Certificate is in the public interest. Also see response to Comment 117-02.

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1 bearing the brunt of others' profits. Energy and  
2 manufacturing provide sustained, long-term, good paying  
3 jobs, a large portion of which are skilled union  
4 positions. These jobs enable individuals to stay in New  
5 York State, raise a family, and grow the middle class.  
6 They establish the economic infrastructure for many  
7 additional services and power other sectors of the  
8 State's economy.

9 New York's economy needs to be energized, and  
10 the opportunities are out there waiting to be seized  
11 upon. Such is the case with the opportunity of New  
12 York's growing demand for electricity and solving  
13 transmission congestion problems by investing in our in-  
14 State electrical infrastructure rather than compounding  
15 these issues with a costly outsource to Canada. For the  
16 jobs and literally a brighter future, we must act now  
17 and oppose the CHPE as an outright detriment to New York  
18 State.

19 And just for the record, I know we have two  
20 trades here tonight that are in support. This is an  
21 open letter to the New York congressional delegation  
22 rejecting the Champlain Hudson-Canadian Line signed by

117-04 **117-04:** See response to Comment 117-02.

For Comments 117-05 through 117-08 and their responses, see the  
pages following Comment 130.

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1 Richard Roberts, the Business Agent At Large for  
2 Steamfitters Local 638 and his President, Patrick Dolan,  
3 Michael Cavanaugh, the Vice President of New York City  
4 District Council of Carpenters, and Anthony Spirito, the  
5 Executive Vice President of Mechanical Contractors  
6 Association, James Levin, Vice President of the Utility  
7 Workers of America's Local 12, Don Dailey, Chairman of  
8 the International Brotherhood of Electrical Workers  
9 Utility Labor Council, State of New York, and myself.  
10 Thank you.

11 (Applause.)

12 MR. MILLS: Brian McPartland?

13 MR. MCPARTLAND: Good evening, everybody. My  
14 name is Brian McPartland. I'm the Business  
15 Representative for Local Union 503. And I stand in  
16 opposition to this project.

17 I'm probably not as well versed as everybody  
18 here; however, I do want to -- I know Rebecca and  
19 Wellington. This is going to do nothing for this  
20 country. We had two power plants here. I had 250  
21 members working daily. We leveled the power plant  
22 because, remember, deregulation was going to make energy

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## Comment 118

50

1 cheaper. Has it?

2 SPEAKERS: No.

3 MR. MCPARTLAND: Right, I didn't think so.

4 So what I'm doing here I'm just coming to show that my

5 brothers and sisters are working. The Laborers just

6 signed a deal with my company that I represent to watts

7 down wires. We don't need to send it to Canada.

118-01 **118-01:** Comment noted.

8 On the environmental thing, I don't know how

9 many of you are fishermen, but I'm a fisherman. I fish

10 that river every spring, and I'm very concerned about

11 that, that we're going to -- you know, we catch fish

12 here. It's our river. We don't need this coming in

13 here.

118-02 **118-02:** Comment noted. See response to Comment 105-02.

14 We never had an issue, never had an issue

15 when we had the power plants, right? What happened? We

16 leveled the power plants. Taxes went through the roof.

17 We have Bowline 3. I could go on. All you got to do

18 is support that, and that will keep it in New York

19 State. Thank you.

20 (Applause.)

21 MR. MILLS: Mary Ellen Furlong?

22 MS. FURLONG: You'll have to be patient with

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## Comment 119

51

1 me. My name is Mary Ellen Furlong. I've lived in Stony  
2 Point now for 26 years. And we the citizens of Stony  
3 Point don't want this cable invading and destroying our  
4 community because that's the way we see it.

5 We don't want to set a precedent that will  
6 allow and all other cable carriers to invade our homes.

7 There's no benefit to our community, and the ones who  
8 benefit are Champlain Power and Blackstone Investors,  
9 the money men, not us.

10 If the cable was no good for the fish, as Mr.  
11 Basile mentioned earlier, then it's no good for the  
12 residents on the land, okay?

13 (Applause.)

14 MS. FURLONG: If the Tappan Zee Bridge  
15 construction is being allowed to occur in the river  
16 then you can run your cable through the river, or as the  
17 \$127 million that was promised to River Keeper, their  
18 bribe to let that cable come on our land, and not go  
19 through the river.

20 (Applause.)

21 MS. FURLONG: This cable will desecrate the  
22 graves of our war dead, the war dead from the American

119-01 **119-01:** Comment noted.

119-02 **119-02:** See response to Comment 105-02.

119-03 **119-03:** See response to Comment 109-06.

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1 Revolution, the War of 1812, the people who grew and  
 2 established this town and fought the British so you can  
 3 have a country.

119-03

4 Cables fail. There's no question about that.  
 5 You want it to run along tracks that carry toxic  
 6 materials, and accidents have already occurred. We  
 7 cannot allow a bigger disaster to occur, especially  
 8 where this cable, and the proposed desalinization plant,  
 9 and the proposed gas line will meet in Haverstraw.

119-04

10 We'll blow Rockland County off the map. No one has  
 11 addressed the potential threat of terrorism and the  
 12 cable. If it's in the river, what is the likelihood of  
 13 it being attacked? What is the likelihood if it's on  
 14 land and being attacked? I don't see any National Guard  
 15 troops going to be stationed along that route. Who's  
 16 going to pay for it?

119-05

17 You need to walk, Mr. Mills, Ms. McDonald,  
 18 you need to walk the route. Mr. Casscles, he'll take  
 19 you, I'm pretty sure.

20 SPEAKER: Absolutely.

21 MS. FURLONG: And you'll see where this cable  
 22 is running. Now, I know I'm a little over, but this is

119-06

**119-04:** No public health and safety impacts would be expected during operation of the proposed CHPE Project because the transmission cables would be underground and installed in compliance with all Federal and state rules and regulations. Regular inspections, in accordance with the manufacturer's specifications, would be performed to ensure equipment integrity is maintained. If the transmission cables were damaged by a third party, there is a risk of electrocution. However, a protection system would detect the fault and the transmission line would be de-energized (i.e., current and voltage reduced to zero) in approximately 5 milliseconds, thereby reducing the possibility of injury to people or nearby infrastructure. An Emergency Repair and Response Plan (ERRP) would be prepared to identify procedures and contractors necessary to perform maintenance and emergency repairs. See Section 5.2.14 of the EIS for more information.

**119-05:** See response to Comment 113-07.

**119-06:** Comment noted.

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## Comment 120

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1 -- I only got another sentence or two. If you allow  
 2 this cable to go through, then it's my recommendation  
 3 that the people of Stony Point impose a community  
 4 service charge on Champlain Power of a million dollars a  
 5 foot per day.

6 (Applause.)

7 MS. FURLONG: And that after -- and that the  
 8 other towns do so as well and on any other cable  
 9 carriers who are allowed to enter our boundaries, then  
 10 increase the fees on Champlain and the other carriers.  
 11 Make it \$3 million a foot. Make it \$7 million a foot.  
 12 You want to make us a dumping ground. Well, it's going  
 13 to cost you.

14 The people of Stony Point don't want it, and  
 15 we have a right to say that, be heard, and determine our  
 16 future. We're tired of everybody coming in, and dumping  
 17 on us, and allowing deregulation, and destroying our tax  
 18 base and our town. Thank you.

19 (Applause.)

20 MR. MILLS: Brenda Beckerle?

21 MS. BECKERLE: Hello. Breda Beckerle, 49  
 22 Beech Road, and I'd like to echo my opposition to this

119-06

119-07

120-01

**119-07:** See response to Comment 113-01.

For Comment 119-08 and its response, see the pages following  
 Comment 130.

**120-01:** See response to Comment 107-01.

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## Comment 120

54

1 project, and also to support the request for 180 extra  
2 additional days.

3           Some of my friends here have put in heroic  
4 work in trying to work through this phenomenal amount of  
5 expert knowledge to come up with, if you will, well  
6 articulated objections. But it's a task that cannot be  
7 done by local people in a very short span of time.

120-01

8           To echo some of the comments that have been  
9 made here this evening, I'm a riverfront dweller, so I  
10 have a personal interest here. But I also would like to  
11 say that Stony Point is a river town. It is the  
12 identity of Stony Point. It is the crown jewel of Stony  
13 Point.

14           And Stony Point woke up some morning in the  
15 last couple of years and learned out of the blue, in my  
16 estimation, that this project had been re-routed out of  
17 the Hudson River literally through every single foot of  
18 river exposure this town has. Why? Westchester didn't  
19 want it. Scenic Hudson didn't want it. So it was a  
20 long list of didn't wants. We have asked endlessly who  
21 made the decision that if you all didn't want it, we'd  
22 get it. How did that happen? And to this day, I don't

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1 think we've had a satisfactory answer. All we know is  
2 that every foot this town has of its most precious  
3 resource is being basically confiscated in the interest  
4 of private profit, and that is what this is. It's  
5 private profit, foreign profit. And it's the first of  
6 many.

7 We have, I believe, very good reason to fear  
8 that our crown jewel is going to be the dumping ground  
9 and the infrastructure corridor for what everybody else  
10 doesn't want to have. And with all due respect to  
11 Scenic Hudson and with all due respect to the fish, we  
12 don't, I think, have any credible explanation that that  
13 deviation is necessary from everything we've seen or  
14 heard.

120-02 **120-02:** See response to Comment 105-03.

15 Why in this 330-plus miles does Stony Point  
16 have to give up every inch it has of riverfront for  
17 these projects, and in that short span of time, run  
18 through a battlefield, a Revolutionary cemetery,  
19 projected projects on the riverfront? What else do we  
20 have here? We have wetlands. We've brown spots. We've  
21 got the -- it's literally one after another abutting  
22 each other. There's nothing free. There's no free

120-03 **120-03:** See response to Comment 109-06.

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## Comment 121

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↑ 120-03

1 land. Thank you very much.

2 (Applause.)

3 MR. MILLS: Timothy Waldron?

4 MR. WALDRON: Good evening. With the time  
5 given, I'm going to speak as the Acting Chairperson of  
6 the Bay Mar Community Organization, and then as a  
7 private citizen if there's enough time.

8 Good evening. The Bay Mar Community  
9 Organization is greatly concerned with the project. The  
10 CSX railway is only a good stone's throw away, so this  
11 project is very, very close to where we live and will  
12 have a great impact on us.

121-01

**121-01:** See response to Comments 104-01 and 105-06. Tax receipts and revenue associated with construction expenditures and operations would increase for local municipalities.

13 The Bay Mar Manufacturing home community to  
14 date has no received outreach from the Champlain Hudson  
15 Power Express, Incorporated, New York State, or New York  
16 City, apparently the only beneficiary to this power  
17 line. No correspondence in English or Spanish has been  
18 received yet. And it needs to be pointed out that Bay  
19 Mar has a significant Spanish-speaking population whose  
20 first language is Spanish.

121-02

**121-02:** See response to Comment 109-03.

21 Our community was hit hard by Hurricane Sandy  
22 just over a year ago, which has left us with a lot of

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1 uncertainty. We now learn that we have more uncertainty  
 2 placed upon us. This time it comes from the form a man  
 3 made storm. The high voltage power line that is set to  
 4 be placed so close to us is extremely troublesome to us,  
 5 and hopefully to all of Stony Point and Rockland County.  
 6 Obviously it is. Sorry about that.

7 Currently the Bay Mar property may have  
 8 little impact as one map shows, but this is no guarantee  
 9 here. The path can change and has changed already. As  
 10 it stands now, the line will disrupt the Stony Point  
 11 Battlefield, a State historic site, the historic Waldron  
 12 Cemetery, and a number of homes here in Stony Point  
 13 where good, decent people live.

14 Let it be said now people are now no better  
 15 than second on the protection list. The sturgeons of  
 16 Haverstraw Bay come first, which is the line comes out  
 17 of the Hudson into the battlefield and right-of-way  
 18 along the CSX line, and also will run through Stony  
 19 Point's wetland. None of this sounds good for Stony  
 20 Point families, the battlefield, the Waldron Cemetery,  
 21 or wildlife, or our environments, along the real  
 22 possibility of a line that already crisscrosses the

121-03

121-04

**121-03:** Waldron Cemetery would be surveyed for cultural resources, during which the exact boundaries of the cemetery would be determined and any resources in the Area of Potential Effects would be evaluated for National Register of Historic Places (NRHP) eligibility. Ground-disturbing activities would be avoided in the vicinity of the cemetery to the extent practicable. If these activities are unavoidable, appropriate mitigation would be implemented in accordance with the Cultural Resources Management Plan (CRMP) being developed for the CHPE Project in coordination with the New York State Historic Preservation Office (SHPO). The CRMP would identify measures to address adverse effects on historic properties. HDD technology would be used, where appropriate, to drill under potential cultural resources so they would not be disturbed. The proposed CHPE Project transmission line would be installed under the Stony Point Battlefield State Historic Site using HDD technology (see EIS Section 5.3.10). The Applicant would negotiate with landowners regarding just compensation (see response to Comment 105-04).

**121-04:** See response to Comment 121-01. Installation of the transmission cable would also avoid impacts on the Haverstraw Bay SCFWH that contains important habitat for ESA-listed species. The transmission line would not be visible; therefore, its presence would not present a general detriment to private property values.

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1 tracks and could end up on the east side of the tracks  
2 that disrupts Bay Mar at an even greater risk to its  
3 residents.

121-04

4 The Bay Mar Community Organization must  
5 solemnly, loudly, and clearly call for an end to this  
6 project. There is no way to stop it-- if there is no  
7 way to stop it, then put it in the river. Bay Mar says  
8 people over sturgeons.

9 (Applause.)

10 MR. WALDRON: For my fellow union brethren  
11 out there, I've been in two unions. They don't always  
12 tell you the truth. Just keep that in mind. I've been  
13 lied to directly by unions. We were asked to vote for  
14 Andrew Cuomo. You know what he did? He took money  
15 right out of my paycheck and spent millions and millions  
16 of dollars to say, hey, we're getting corporations  
17 breaks on everything.

18 I have a book here. On page S-2 -- I'm sorry  
19 -- on page S-32 in this book, it is the Champlain  
20 Express book. There is no negligible increase in your  
21 jobs. It is quite limited. Anybody who wants to see  
22 it, I'll meet you right now. Here's the book. I wish

121-05

**121-05:** Comment noted. See response to Comment 104-01.

For Comments 121-06 through 121-08 and their responses, see the  
pages following Comment 130.

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## Comment 122

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1 you would express that to your fellow members who left.

2 The jobs aren't there. I hope we all get jobs. We've

3 heard of other ways to get it. I'll stop. I'm going

4 over my limit. Thank you.

5 (Applause.)

6 MR. MILLS: Kevin Kennedy?

7 (No response.)

8 MR. MILLS: Robert Knight?

9 MR. KNIGHT: I'm Robert Knight, and I'm here  
10 representing two organizations, the Stony Point Chapter  
11 of the Sons of the Revolution and the Rockland County  
12 Municipal Historians Association. Neither group is  
13 either opposed or in favor of the power line. What both  
14 groups are opposed to is a piece of destruction that it  
15 virtually guarantees in Stony Point.

16 The main one is the Waldron Cemetery, which  
17 our chapter president will hopefully talk on a little  
18 later, where hundreds of Revolutionary War, War of 1812,  
19 and Civil War soldiers are buried, and which will be  
20 completely destroyed by the power line. The cemetery  
21 was already partially destroyed in the 1880s when the  
22 West Shore Railroad line was built through it, and now

122-01 122-01: See response to Comment 121-03.

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## Comment 123

60

1 the power line is going to take what's left of the  
2 cemetery adjacent to the railroad tracks. And it also  
3 goes right through the heart of the Stony Point  
4 Battlefield, which is Stony Point's national treasure.  
5 It's a site on the National Register of Historic Sites.  
6 Personally I don't care if they put it down  
7 in the middle of the river. That's fine as I'm far as  
8 I'm concerned. But heaven's sake, don't destroy Stony  
9 Point's most historic cemetery and most historic  
10 battlefield site.

122-01

11 (Applause.)

12 MR. MILLS: Barry Brooks?

13 MR. BROOKS: I'm Barry Brooks, President of  
14 the Sons of the -- Stony Point Chapter of the Sons of  
15 the American Revolution. Most everything that I was  
16 going to say has been said two or three times. But I do  
17 want to point out a couple of things. This picture here  
18 shows where --

19 SPEAKER: The railroad.

20 MR. BROOKS: Yeah, but it shows where the  
21 cemetery is, but it also shows the deviation zone. If  
22 you were to go through that cemetery on the-- on the

123-01

**123-01:** Comment noted. See response to Comment 109-06.

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1 eastern end, there aren't any headstones left. But  
 2 believe me, I -- we have accurately determined that  
 3 there are at least 200 bodies in the area of-- which  
 4 would be disturbed by this transmission line.

123-01

5 A year ago when we met at Row Cottage and  
 6 discussed with the Assembly and senators who attended  
 7 that meeting, I let out a passionate plea for them to go  
 8 down and visit. And I know they did, but it didn't do  
 9 any good. Here a year later -- thank you -- here a year  
 10 later, it's still slated in the same spot.

11 It's about time -- they've got the Tappan Zee  
 12 -- new Tappan Zee Bridge going right across the river.  
 13 What is the difference between that and this  
 14 transmission line, you know? Put it -- put it in the  
 15 river. They're doing the bridge. That's a threemile  
 16 area down there. And this way it would save Stony  
 17 Point. All right, thank you.

123-02

18 (Applause.)

19 MR. MILLS: Lynn Teager?

20 (No response.)

21 MR. MILLS: No Lynn Teager?

22 SPEAKER: She just left.

**123-02:** The proposed CHPE Project would be in the Hudson River for approximately 98 miles (158 km); however, to comply with NYSDOS conditions for conditional concurrence under the Coastal Zone Management Act (CZMA) and consistency with the New York State CMP, the CHPE Project route would be in a terrestrial configuration around the Haverstraw Bay SCFWH (see EIS Section 2.3.1). The Tappan Zee Bridge is outside of the scope of the EIS; however, that project also would not be in the Hudson River at Haverstraw Bay.

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## Comment 124

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1 MR. MILLS: Rich Thomas?

2 MR. THOMAS: Thank you, everybody. And I  
3 just want to especially say thanks to the Sons and  
4 Daughters of the American Revolution. Your families  
5 have really sacrificed the ultimate sacrifice to make  
6 this country. So I just want to say thank you.

7 (Applause.)

8 MR. THOMAS: Now, earlier today I submitted a  
9 statement on behalf of my chairman, Jerry Kremer. But I  
10 have a few more documents I just want to quote from and  
11 submit to you for consideration. One includes a letter  
12 that we issued to Congresswoman Nita Lowey in July of  
13 2012. And the -- I'm going to just skip ahead to the  
14 one, two, three, fourth paragraph where it says,  
15 "Champlain Hudson makes little economic sense for New  
16 York. Any positive economic impacts from CHPE will be  
17 short term." Key word "short term." "The jobs which  
18 will be created during the construction process will be  
19 temporary, as will the revenue generated from those  
20 positions. Further, despite the project developer's  
21 claims, Champlain Hudson will inhibit other developers  
22 from investing in much needed improvements to New York's

124-01 124-01: See responses to Comments 104-01 and 105-06.

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1 aging transmission and generation systems at a time when  
 2 such improvements urgently needed. Jobs to build,  
 3 enhance, and support New York's generation and  
 4 transmission system will be shipped to Canada, along  
 5 with New Yorkers' hard-earned dollars." That's a fact.

124-01

6 And this letter is signed by, again, my  
 7 chairman, Jerry Kremer, Deb Malone, the Executive  
 8 Director of Hudson Valley Gateway Chamber of Commerce,  
 9 Dr. Marsha Gordon, President and CEO of the Business  
 10 Council of Westchester, Al Samuels, who is the President  
 11 of the Rockland Business Association, Mattie Aracich,  
 12 Business Manager of Insulators Local 12, Bill Mooney,  
 13 the President of Westchester County Association, Tom  
 14 Kline, who is Steve Ludwigson's predecessor, Lenny  
 15 Carroll, President of the Bronx Chamber of Commerce,  
 16 Melvin Burress, African American Men of Westchester, and  
 17 Dr. Matthew Cordero, who is the former President and CEO  
 18 of the Midwest Independent System Operator, one of the  
 19 largest grid operators in the country. And also  
 20 attached to it is an op-ed piece that that Al Samuels  
 21 authored regarding to reject the Champlain Hudson Power  
 22 Express. And I also have some testimony that was made

124-02

**124-02:** The proposed CHPE Project would generally not prevent the development of other projects. See Comment 106-03.

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1 in opposition to the line, some by Con Edison, some by  
2 Phil Wilcox, the Business Agent for IBEW Local 97, who  
3 you will probably hear from upstate, and also including  
4 the New York Power Authority. Each of these entities  
5 has expressed concern about the costs being understated.

124-02

6 But there's this one last thing I want to  
7 read before I run out of time, and that is-- hang on.  
8 Here we go. "Even if the Champlain line is developed,  
9 we cannot be assured that Canadian hydroelectric  
10 generators that assume suppliers of the power to New  
11 York via CHPE, will, in fact, continue to operate on a  
12 merchant basis. What happens if these out of State  
13 generators suddenly shift their priorities? The rolling  
14 blackouts and \$1,000 megawatt per hour cost experienced  
15 by California rate payers in 2000 and 2001 illustrates  
16 the danger of being over reliant on imported power."

124-03 124-03: Comment noted.

17 (Applause.)

18 MR. MILLS: Steven Beckel?

19 MS. SMITH: Beckerle?

20 MR. MILLS: He'll tell us.

21 MR. BECKERLE: Steven Beckerle, 49 Beech

22 Road, Stony Point, New York. I'm going to have two hats

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## Comment 125

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1 tonight. I thank you guys for coming down to Stony  
2 Point. Appreciate it. I also would ask for an  
3 extension. I think we should be given the same study  
4 methods as the fish. She says three years, Scenic  
5 Hudson. I think the town people should get three years.  
6 What do you think?

7 SPEAKERS: Yes.

8 MR. BECKERLE: And I apologize for everybody  
9 interrupting you because I think if we hear you talk,  
10 we'll see the fallacy in the argument. So we should've  
11 let you talk. It's a democracy. Everybody should talk.

12 Okay. Thank you. I'm a resident at 49 Beech  
13 Road. I live in Stony Point. I live right next to the  
14 tracks. My property borders the CSX right-of-way. My  
15 house was built in 1835. It survived the Civil War. It  
16 survived the CSX line coming down in 1880. It was there  
17 before the CSX line. And more recently, we survived  
18 Sandy. I will not survive this CHPE. This CHPE will  
19 take my house.

20 This project is not good for me personally.  
21 It's not good for the residents of Stony Point. And as  
22 my wife said, it's not good for anybody in Stony Point.

125-01 **125-01:** See response to Comment 107-01.

125-02

**125-02:** According to the proposed CHPE Project route maps provided in Appendix B of the Joint Proposal (available on the NYSPSC Web site for the CHPE Project; see Map 516), the transmission line would be installed on the opposite side of the railroad tracks from this portion of Beach Road in Stony Point.

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1 Whether you're directly impacted or not, it is not good  
2 for Stony Point. And to take it to your position where  
3 you have to look at the greater good, maybe you  
4 sacrifice Stony Point for the greater good, but I also  
5 contend that it is not for the greater good. It's  
6 definitely not good for Stony Point. There's no  
7 argument there. But it is not good for New York State.  
8 It is not good for the United States.

125-03 125-03: Comment noted.

9 (Applause.)

10 MR. BECKERLE: Okay. That's my resident  
11 talk. Now, I'm going to be a businessman, and I'm not  
12 going to make up my business because my business started  
13 in 1940. My grandfather started Beckerle Lumber. We  
14 employ 90 people. We have four branches in Rockland  
15 County. In 2012 we paid, small business, 90 people,  
16 \$1.7 million in real estate and sales tax. This figure  
17 does not include payroll tax, income taxes, FICA tax,  
18 Social Security tax, Medicare, Medicaid, workman's comp,  
19 State, city, and the dreaded MTA tax that firms under  
20 100 people have to pay. Over 100 people, you don't have  
21 to pay, but we pay the MTA tax. I'm not griping. It's  
22 a good life. This \$1.7 million does not include any of

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1 the taxes our 90 people pay that live and reside in  
2 Rockland County, all local people, all reside in  
3 Rockland County, believe it or not, a lot of families.

4 This line -- why do I bring this up? Well,  
5 it's a public forum. "Buy it Becker's," right?

6 (Laughter.)

7 MR. BECKERLE: No. No. This line also goes  
8 through the town of Haverstraw. I have property, a  
9 five-acre property that borders the CSX line in  
10 Haverstraw. That property is threatened by this one  
11 pipeline, this little thing. Why? Why is it  
12 threatened? I'm going to continue. I would like to  
13 continue.

14 Why is it threatened? The Chaplain -- it's  
15 really threatened because it's bigger than this one.  
16 This is not about one line. This is about a company of  
17 -- a \$4 trillion company, Blackstone, that has an idea.  
18 TDI expressed the idea, good idea. It sounds like a  
19 great idea. But this trillion dollar company that makes  
20 \$2.2 billion in revenue last year, we're no match.  
21 We're no match. A \$1.7 million company is no match for  
22 a trillion dollar company. That is not comprehensible.

125-04 125-04: Comment noted.

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1 So I believe that we're getting steamrolled, and we're  
2 getting steamrolled by the bigs.

125-04

3 I believe this project, if allowed to  
4 proceed, will just be the start of the local community  
5 being overrun. Recent U.S. Treasury estimates show \$400  
6 to \$500 billion is available in uncommitted capital in  
7 the U.S. investment community. I think we're going to  
8 be the blight. We're going to be the highway. We're  
9 going to be the information highway. Stony Point is  
10 going to be sacrificed if we let this start. We have to  
11 stop it now before it gets off the ground, put it in the  
12 river. I ask for an extension. And thank you for  
13 letting me talk.

125-05

**125-05: Comment noted.**

14 (Applause.)

15 MR. MILLS: Jacquelyn Drechsler?

16 MS. DRECHSLER: I'm going to be wearing two  
17 hats, too. So I'm a private citizen and resident of  
18 Valley Cottage. And I'm here tonight-- actually I'm  
19 very glad for the opportunity to speak at this hearing  
20 on behalf of the Sierra Club Statewide Atlantic Chapter  
21 as well as the Sierra Club Lower Hudson, which  
22 encompasses Rockland, Westchester, and Putnam Counties,

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## Comment 126

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1 which are opposed to this project.

2 Just to let you know, the statement I'm  
3 reading was prepared by Sierra Club professionals, the  
4 Atlantic Chapter. Actually this letter was originally  
5 written to the Public Service Commission.

6 The Atlantic Chapter of the Sierra Club  
7 thanks you for the opportunity to provide comments on  
8 the proposed 333-mile Champlain Hudson Power Express  
9 Transmission Line from the Canadian border to Queens,  
10 New York. We are a volunteer-led environmental  
11 organization of 38,000 members Statewide dedicated to  
12 protecting New York's air, land, water, and remaining  
13 wild places. In general, the chapter believes New York  
14 State needs to support expanded in-State renewable  
15 energy development coupled with energy conservation and  
16 energy efficient programs in order to combat the worst  
17 effects of climate change. New York should not  
18 undermine these goals or exports its environmental  
19 problems through transmission lines that support the  
20 development of destructive Canadian hydropower on virgin  
21 rivers.

22 We have many concerns with the transmission

126-01

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**126-01:** DOE complied with the requirements of NEPA (42 United States Code [U.S.C.] Part 4321 et seq.), Council on Environmental Quality (CEQ) regulations for implementing NEPA (40 Code of Federal Regulations (CFR) Parts 1500–1508), and DOE implementing procedures for NEPA (10 CFR Part 1021). See responses to Comments 103-01 and 103-03 regarding reliability of the proposed CHPE Project. According to the Applicant, costs associated with the operation of the proposed CHPE project would

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1 line, including lack of reliability, dubious economic  
 2 benefits, negative environmental impacts associated with  
 3 the cable route, and issues with cost to rate payers,  
 4 which all happen to be in direct contradiction to the  
 5 objectives of the recently-proposed New York Energy  
 6 Highway Initiative.

126-01

7 Solar energy capacity in New York City has  
 8 increased 800 percent over the past six years, and the  
 9 city has passed its solar energy target of 8.1 MWs under  
 10 the federally-funded Solar America City Program three  
 11 years early. It is in our economic interest to expand  
 12 the solar market in this city of a million rooftops and  
 13 the efficiency potential as a result of the city's suite  
 14 of green building builds are wise solutions to our  
 15 energy needs and the best climate impact mitigation  
 16 option.

126-02

17 The developers of the Hudson Champlain  
 18 Express have claimed that the project will provide jobs  
 19 to New Yorkers and supply New York City with additional  
 20 energy. But the truth is that we already have the  
 21 potential to meet all of our energy needs with in-state  
 22 renewable resources and to create jobs that support a

126-03

not be directly passed on to ratepayers. Also see response to Comment 113-02 regarding the purpose of the CHPE Project and its nexus with economic benefits. Although the CHPE Project could result in adverse environmental impacts, the Applicant has committed to implementing best management practices (BMPs) to avoid or reduce environmental impacts during construction and operation of the proposed CHPE Project (see EIS Section 2.4.12 and Appendix G). See response to Comment 816-12 regarding the CHPE Project's consistency with the New York Energy Highway Blueprint.

**126-02:** Comment noted. The source of the electric power in Canada is outside the scope of the EIS. Additionally, the proposed CHPE Project would not prevent the development of other projects.

**126-03:** Energy efficiency and conservation measures were considered in the EIS but eliminated from further detailed analysis because DOE determined that these measures alone were not a reasonable alternative to the proposed CHPE Project (see EIS Section 2.5.3). Additionally, in-state renewable energy projects are outside the scope of the EIS.

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1 sustainable energy infrastructure. Simply put, this  
 2 project threatens the viability of in-State renewable  
 3 energy and energy efficiency programs. It also fails to  
 4 comply with the renewable portfolio standard of New York  
 5 as 98 percent of the electricity transmitted through  
 6 this electric cable is produced by the destruction of  
 7 pristine rivers in Canada. Large-scale hydroelectric  
 8 dam systems are not greenhouse gas free.

9 This project threatens the traditions and  
 10 livelihood of the Cree and Inuit people through the  
 11 damming of virgin rivers in Canada and flooding of  
 12 wildlife corridors. As Roger Orr, Cree resident of  
 13 James Bay Quebec has said, "No amount of money can make  
 14 up for the loss of a river. With the loss of a river  
 15 follows the loss of fish and wild game, the loss of a  
 16 culture, the loss of connection to the land, the loss of  
 17 independence, the loss of pride, the loss of an  
 18 effective social structure, the loss of self  
 19 responsibility, the loss of the meaning and purpose in  
 20 life and society, the loss of freedom," and the list  
 21 goes on and on.

22 On the U.S. side of the border, routing of

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126-03

126-04

126-05

126-06

**126-04:** See Comment 106-03. The proposed CHPE Project would not prevent the development of other projects. Impacts in Canada are outside the scope of the EIS.

**126-05:** Comment noted. Impacts in Canada are outside the scope of the EIS.

**126-06:** The NYSPSC Administrative Law Judges and the NYSDEC determined that decisionmaking associated with the proposed CHPE Project and this EIS are not the appropriate forum for analyzing the Article XIV "Forever Wild" clause or for determining New York State Office of General Services' authority to grant leases or other property rights to lands submerged under Lake Champlain. Therefore, the status of portions of the proposed CHPE Project route as Forest Preserve and the associated applicability of the "Forever Wild" clause are not discussed further in this EIS. See Section 3.1.1 in the EIS for discussion of the Forever Wild clause.

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1 the electric cable within the Adirondack and Rockland  
2 State Parks violates Article 14 of the New York State  
3 Constitution, the Forever Wild provision.

4 The Sierra Club Atlantic Chapter asks again  
5 that the Public Service Commission, since this was  
6 originally to the Public Service Commission, but we're  
7 asking it of you, that we request an opinion by the New  
8 York State Attorney General regarding this important  
9 concern. The precedent set by this property taking of  
10 public land will have a ripple effect through other like  
11 developments that threaten New York's wilderness legacy.

12 The impacts of increasing reliance on out of  
13 State generation must be studied and compared with in  
14 State deployment of efficiency, conservation, and  
15 renewable forms of energy. The creation of in-State  
16 jobs and economic revitalization must be assessed as  
17 well as the economic losses due to imports. In the  
18 context of this development, the Public Service  
19 Commission and you have a primary obligation to support  
20 and promote the development of a sustainable energy  
21 economy in the City and State of New York before it  
22 looks to exploit Canadian resources and indigenous

126-06

126-07

**126-07:** Comment noted. In-state renewable energy projects are outside the scope of the EIS.

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1 peoples. There is no need for the Champlain Hudson  
2 Power Express Transmission Proposal, and it is not in  
3 the public interest. We truly need clean energy in New  
4 York made by and for New Yorkers. Thank you for these  
5 comments.

6 (Applause.)

7 MS. DRECHSLER: Now, if I may just have about  
8 one more minute just for my own personal as a resident.

9 I have a great love for Rockland Lake, and Hook  
10 Mountain State Park, and all of Rockland County. This  
11 is a very historic area. And all of these other  
12 beautiful areas that everyone in Rockland County enjoy  
13 these other areas are also going to be affected by this  
14 proposal.

15 These are areas that are very precious to us,  
16 and we do question whether a rigorous environmental  
17 review has been done. And I do believe that an  
18 extension is necessary. Our river has been traumatized  
19 for decades. And right now we have a confluence of  
20 things converging into Rockland County and to this area  
21 of Stony Point and Haverstraw, and it will just decimate  
22 the area. We have Indian Point. We have the Ramapo

126-08 **126-08:** Comment noted.

126-09 **126-09:** See responses to Comments 106-03 and 109-08. Section 6.1.1 of the EIS discusses potential cumulative impacts from other actions including past, present, and reasonably foreseeable actions.

For Comment 126-10 and its response, see the pages following Comment 130.

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## Comment 127

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1 Fault. We have the Spectra gas line. We have this  
2 transmission line. We have the SX extension. We have  
3 the desalination plant, and we have the Tappan Zee  
4 Bridge. There is so much happening here. There is so  
5 much risk. There is so much risk in our county for the  
6 public safety. And I really do hope that you will take  
7 all of this under advisement. Thank you very much.

126-09

8 (Applause.)

9 MR. MILLS: Lynn Teager?

10 MR. MILLS: Did she come back?

11 SPEAKER: She left.

12 MR. MILLS: She left?

13 MS. SMITH: Oh, okay.

14 MR. MILLS: Would anybody else who hasn't  
15 registered to speak like to speak?

16 MR. DIEDRICH: I don't think I'm registered.

17 MR. MILLS: Well, we'll get -- you don't want  
18 to speak?

19 MR. DIEDRICH: Yeah, I do.

20 MS. SMITH: Please go ahead.

21 MR. DIEDRICH: Michael Diedrich. I've been a  
22 Stony Point resident for over 50 years. I concur in

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1 everything that Stony Point -- Stony Pointers have said  
2 here tonight, so I'll limit my comments to some things I  
3 think might be useful for your decision making.

4 I think the DoE needs to look at the bigger  
5 picture, the more long-term picture, and the more  
6 sustainable picture regarding this project, and I have  
7 four points I want to discuss. One is environmental and  
8 historic aspects or concerns for Stony Point. Two is  
9 the socioeconomic impacts on Stony Point and North  
10 Rockland. Three is energy policy, regional, and State,  
11 and national. And fourth is environmental segmentation  
12 regarding your environmental impact statement process.

13 So as to the environmental and historic, I  
14 think many speakers have already made this very clear.  
15 We're in what is really the world recognizes as one of  
16 the most scenic areas of the world in the Hudson River  
17 Valley. So this is not a location that we should  
18 despoil in any way, so if you're going to have a cable,  
19 it should be under the river, not viewable from our  
20 landscape. And we're a very historic town. I mean,  
21 this is -- we were the first Revolutionary War victory  
22 against the British.

127-01

**127-01:** The transmission cables would be buried underground through Stony Point and, thus, would not be visible. There would be approximately two cooling stations located aboveground along the transmission line route in Stony Point that would be visible (see EIS Section 5.3.11).

127-02

**127-02:** See response to Comment 109-06.

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1           Okay. As to the socioeconomic impacts, I  
2 don't see any benefit long-term for this project, and I  
3 think you need to consider what I'll mention in a moment  
4 regarding energy policy. You need to consider that the  
5 socioeconomic, especially economic benefits of this  
6 project are minimal, and there would be a much greater  
7 economic benefit with all sorts of other possibilities,  
8 many of which have been already expressed here tonight.

127-03

**127-03:** Comment noted. See responses to Comments 104-01 and 117-02.

9           So that brings me to the third item, which is  
10 environmental policy -- sorry, energy policy. I think  
11 especially the U.S. Department of Energy, if you're only  
12 going to look at this project in the narrow temporal  
13 time wise and the narrow scope of this particular  
14 project, I think that is a very narrow view. I think  
15 you need to be looking at a regional and State energy  
16 policy and what it should be. All sorts of things have  
17 not been considered in connection with importing energy  
18 from Canada.

127-04

**127-04:** Section 6.1 of the EIS identifies broader regional and state energy policies, and analyzes the proposed CHPE Project's cumulative impact with these policies.

19           I think -- I mean, hydro power is fine  
20 except, A, I think as the Sierra Club pointed out, I  
21 think if you don't have the power, that's too bad, but I  
22 really think you should consider environmental impacts

127-05

**127-05:** Comment noted. Impacts in Canada are outside the scope of the EIS.

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1 in Canada, A. B is I think you need to look at with the  
2 New York State, all the various things that we should be  
3 doing for regional and Statewide energy policy, looking  
4 at the issue of hydro fracking, looking at renewable  
5 energy, wind, and looking at what is sustainable in this  
6 region.

7 I think importing energy from Canada, that's  
8 always going to be an option, but that doesn't help us  
9 right now. I think what you, DoE, should be doing is  
10 looking at what the bigger picture is regarding regional  
11 energy planning that works for this region and the  
12 State.

13 And lastly, regarding segmentation. If you  
14 only look at this narrow project, you're missing all the  
15 other developmental things that are going to be coming  
16 down after it, including the potential for other energy  
17 providers coming down the Hudson, and also not looking  
18 at things like transportation planning, regional  
19 transportation planning, and other things that we really  
20 should be looking at in connection with power. So those  
21 are my comments. Thank you.

22 (Applause.)

127-05

127-06

**127-06:** The impacts of the CHPE Project in combination with other energy, transportation, and other industry projects are discussed in Section 6 of the EIS.

127-07

**127-07:** See response to Comment 110-03.

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## Comments 128 and 129

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1 MR. MILLS: Thank you. If there's nobody --  
2 is there anybody who has not registered who wants to  
3 speak?

4 MS. SMITH: The gentleman over here, Brian.  
5 The gentleman there, and the gentleman there.

6 MR. GUARINO: Good evening. My name is Alex  
7 Guarino. I'm the Assistant District Supervisor for the  
8 Town of Haverstraw. Unfortunately, the Supervisor had a  
9 previous commitment tonight and could make it. He  
10 apologizes.

11 He wanted me to just let you all know that  
12 he's been opposed to this from the beginning. He  
13 continues to be opposed to it. It makes no sense. We  
14 need to retool local infrastructure. We have Bowline 3.  
15 We have Lovett. We need to put local people back to  
16 work. And thank you very much.

128-01

**128-01:** Comment noted. Evaluation of uses of other power generation facilities, including Bowline, is outside the scope of the EIS.

17 (Applause.)

18 MR. MILLS: Thank you.

19 MR. MCDONALD: My name is Jim McDonald. I'm  
20 a town councilman at the present time, and I'd like to  
21 just review a few things.

22 Fifteen years ago, our politicians in Albany

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1 decided that we needed to deregulate our plants. And we  
2 had a fantastic structure here that took care of our  
3 residents and took care of our schools. So they  
4 deregulated, and in came the plants from the south, who  
5 do not pay tax structure like New York, okay? They came  
6 in and they took us to court. Where was the court? In  
7 Texas. The judge in Texas said, oh, you got to give  
8 them back all this money. Our school district is paying  
9 \$11 million a year to catch up on that, okay?

10 So next, our two plants go down. Jobs  
11 disappear for residents that were working in those  
12 plants. Then we come and we find out about this line.  
13 It's a good thing for this lady sitting right here,  
14 Susan, who told about this line.

15 (Applause.)

16 MR. MCDONALD: And again, we find out that  
17 our politicians in Albany are involved with this even  
18 though they're going no, no, no, including the Governor  
19 that's in my party. And who's going to benefit from  
20 this? The people that are going to make all the money  
21 and have been making all the money for the past five  
22 years on the stock market, not the local residents of

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1 this State.

2 We can redo our grid. We can put all the  
3 people to work as we should have after what happened in  
4 Ohio 10 years ago. And we haven't started to rebuild  
5 this infrastructure right now. We don't need help from  
6 Canada. We can do it right here in the United States.

129-01 129-01: Comment noted.

7 (Applause.)

8 MR. MILLS: Is there anybody else who hasn't  
9 registered to speak want to speak? Right here.

10 MS. KONOPKO: I registered, but I did not  
11 check off that I wanted to speak. Luanne Konopko. I'm  
12 also a town councilwoman for the Town of Stony Point. I  
13 just want to thank everybody for speaking out, for  
14 trying to protect what we have here. What little we  
15 have here, it's ours. It might be little, but it's  
16 ours.

17 I echo and applaud everything that everybody  
18 else has said. I'm not a fact and figure person. I  
19 appreciate anybody that took the time to figure out the  
20 actual numbers, the economic impact, for example. What  
21 I do want to add that nobody else did say up until this  
22 point is that we have an opportunity to rebuild, to

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## Comment 130

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1 build back better. I'm one of the people on the New  
2 York Rising Committee in Stony Point. A number of  
3 people in this room are also members of the New York  
4 Rising Committee. And this is the Governor's initiative  
5 to build back better after Hurricanes Irene and Sandy.  
6 We were devastated by both. Once again, the riverfront  
7 is our livelihood. Riverfront and Revolutionary, those  
8 are the two things that identify Stony Point.

9 And I just want to add -- I just want to add  
10 a P.S. that the Champlain Hudson Power Express is slated  
11 to go right through the very area that the New York  
12 Rising Program is supposed to build back better. Thank  
13 you.

130-01

**130-01:** See response to Comment 106-03.

14 (Applause.)

15 MR. MILLS: Somebody else wanted to speak  
16 over here? Who hasn't registered to speak wishes to  
17 speak?

18 SPEAKER: Can we give Susan the time of other  
19 people?

20 MR. MILLS: We can handle it.

21 SPEAKER: Okay.

22 MR. MILLS: If you've already spoken and you

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Comment 109

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1 would like another three minutes.

2 (Laughter.)

3 MR. MILLS: Yes, you can.

4 MS. SMITH: It's a challenge.

5 (Applause.)

6 MR. MILLS: It's a challenge.

7 MS. FILGUERAS: Thank you. I will try.

8 First off, I asked the New York State Public Service  
9 Commission at the United Water Haverstraw Desalinization  
10 meeting a month ago if they had looked at the overall  
11 finances of the program. And I apologize for such a  
12 small picture, but you guys wouldn't let me bring the  
13 rest of my pictures in.

14 What you have to realize, and I did give to  
15 Mr. Mills a copy of this picture with a few more pieces,  
16 and in addition, a copy of a video that we held the  
17 meeting her with the Champlain Hudson Power Express.  
18 Let's review the finances. TDI -- it goes Champlain  
19 Hudson Power Express, a/k/a TDI, a/k/a the Blackstone  
20 Group. The Blackstone Group is the group that managed  
21 the bankruptcy for Mirant Bowline and Lovett power  
22 plants. We paid them \$7 million and \$225 a month in

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1 expenses. They took their last check in March of 2007.  
2 In very early January of '10, Blackstone  
3 purchased TDI. As we look, we now have-- we know where  
4 Champlain is coming down. It converges on the  
5 Haverstraw-Stony Point border with the proposed United  
6 Water desal plant. United Water's parent is GDF Suez,  
7 the very company that Blackstone helped to form. They  
8 negotiated between then Suez and the French government,  
9 GDF Suez.

10 So added to that, TDI-Champlain Hudson Power  
11 Express, same company, negotiated with GDF Suez or  
12 stated in their documents that they would buy the  
13 additional 550 megawatts of power that the Champlain  
14 Hudson Power Express was short from their plant in  
15 Queens. Now, that may have changed. It's in the  
16 documents.

17 We now have Blackstone with the United Water  
18 Diesel plant. And let me state for the record, and I'll  
19 put it in blood, in the Town of Stony Point, there is no  
20 right-of-way on the CSX line. There are .2 miles. One  
21 happens at Kay Fries where there is an overpass. It  
22 widens. And I'm not sure where the second one. It is

109-05

**109-05:** The proposed route of the CHPE Project within Stony Point would be located in approximately 1.1 linear miles (1.8 linear km) of railroad ROW and 0.9 linear miles (1.4 linear km) of deviation zone approved by NYSPSC. As proposed, approximately 2.3 acres (0.9 hectares) of the 20-foot (6-meter) wide permanent transmission line ROW would occur within railroad ROW, and up to 2.6 acres (1.1 hectares) would occur outside the railroad ROW in Stony Point. EIS Sections 2.4.4 and 5.3.1 discuss the ROW for the terrestrial portion of the Hudson River Segment.

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1 miniscule. If you travel throughout the route, which I  
2 have not done, I would bet you that's what we're going  
3 to find.

109-05

4 I object to this right-of-way language when  
5 it isn't, and we have told them consistently and solidly  
6 for two years we're not selling. I object. I am  
7 offended and insulted that they are going to bring that  
8 line through the Stony Point Battlefield. The American  
9 Revolution was fought and won there. It's one of the  
10 few battles, altercations --

109-06

**109-06:** The proposed CHPE Project transmission line would be installed using HDD technology under the Stony Point Battlefield State Historic Site (see EIS Section 5.3.10).

11 (Applause.)

12 MS. FILGUERAS: -- that was fought that the  
13 American rebels kicked their butts.

14 SPEAKER: It was the first.

15 MS. FILGUERAS: It was -- thank you. Okay.  
16 We stood up for ourselves. And I will quote Mr.  
17 Jessome. He's in the back. When I reminded-- when I  
18 simply brought it up and they did not know at the very  
19 first meeting that they had planned to go through the  
20 Waldron Cemetery, his answer was, well, shoot a bullet  
21 through it. How deep is the bullet? Three feet. I'm  
22 speechless. I'm offended. It's wrong.

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1           The Stony Point Battlefield is sacred. The  
2 Waldron Cemetery -- Mr. Brooks descends from the people  
3 who fought the Revolution. Anita Babcock, Gino Dell. I  
4 think the Casscles might have been in that battle as  
5 well. But these are people that descended from those  
6 who fought for our rights.

7           The Blackstone has financial interest. They  
8 negotiated the CSX right-of-way. The GDF Suez tie is  
9 there and in the joint proposal and in the prior  
10 documents. And one other small thing. If you're  
11 familiar with a plant called Danskammer in Newburgh,  
12 they are involved, according to their website, in all  
13 facets of the bankruptcy for Danskammer. And in January  
14 of this year, they filed an expedited plan to turn the  
15 plant off. And in October, they filed a second plan to  
16 relight the plant. They're only the manager, but do we  
17 want somebody, a single entity, with that much market  
18 power. That is the third plant on the route of the  
19 transmission line.

20           They bankrupted Mirant, Bowline, and Lovett.  
21 Lovett was torn down. The Danskammer plant, it goes  
22 down, it goes up. And that's kind of unprecedented.

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1 Does the --

2 Now, Danskammer's excuse -- Danskammer's  
3 reasoning was they've put a new market zone in the New  
4 York State grid. Does that question the need for this  
5 line? If they've added a new market zone, do we need  
6 the line? I don't know the answer to that. I'm not--

7 So what I'm saying to you is Blackstone has  
8 ties, multiple ties, to this project in different  
9 companies. And I'm asking you to review those.

10 Everything should be an arm's length apart. Are they?  
11 This project has the potential to tear the fabric of  
12 towns in half, and if you go further upstate, it's going  
13 down through the middle of streets.

14 We again say this is our property. We don't  
15 want to sell it. We're not saying not in our backyard  
16 because Spectra is bringing a 44-inch high pressure  
17 natural gas main clear across the county through the  
18 middle of Stony Point out to the front of the Lovett  
19 power plant site. It's a 44-inch pipe. They are going  
20 to frack it across the Ramapo Fault. And over top of  
21 that, CHPE will lay 1,000 megawatts of hot power. I  
22 don't know the Ramapo Fault, the nuclear plant,

109-07

109-08

**109-07:** The transmission line would be installed under city streets in Schenectady for 1.3 miles (2.1 km) due to engineering constraints associated with use of the railroad ROW in that location. Apart from small deviation areas and being within the New York State Route 22 ROW for 11 miles (17 km) between Dresden and Whitehall after exiting Lake Champlain, this is the only substantial deviation from the railroad ROW in the Overland Segment of the route between Lake Champlain and the Hudson River (see EIS Section 2.4.1).

**109-08:** The risk of seismic hazards relative to the proposed CHPE Project is discussed in Section 3.3.9 of the EIS. During a seismic event, which would be rare, it is possible that damage to the transmission line could be sustained; however, seismic events in the Hudson River Segment have a low potential for damage. Section 6.1.2 of the EIS discusses potential cumulative impacts from other past, current, and future activities when combined with the proposed CHPE Project.

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## Comment 126

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↑ 109-08

1 transmission line. It kind of smells of a disaster.

2 I thank you. I will be submitting well-

3 written comments noted by page. I will have a--

4 anybody who wants to join me, we will have a letter

5 writing party so that we may reference each and every

6 one of our points back to the documents. But this is

7 what we came away with. There are 26 jobs. The jobs

8 are specialized and will be imported. We're not

9 objecting to power that's in our back yard. We're not

10 nimbies. We have power plant sites. Help us help

11 ourselves and rebuild Bowline and Lovett so we can make

12 our towns better. Thank you.

13 (Applause.)

14 MS. DRECHSLER: I'm sorry. I have to just go

15 to back Rockland Lake and Hook Mountain, because we know

16 that these -- this line is being moved. What the Sierra

17 Club would like to know, and other people as well, is

18 what is the actual route -- the actual route? There is

19 none. Okay. We need to know the actual route. Is it

20 going down to the river? How is it going to be

21 affecting these other areas well?

126-10

22 We need a real clear understanding of this

**126-10:** Appendix A of the EIS provides maps that outline the proposed CHPE Project transmission line route in full detail. Negotiation of the project route with the State of New York through the NYSPSC Article VII process culminated in the Joint Proposal in February 2012. The project route has not changed since then.

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Comment 112

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1 project. And as people here tonight have been saying,  
2 this -- there are already other ways to get the power.  
3 This is just such an unbelievable waste of money to do  
4 something like this when there are ways to already  
5 utilize what's already existing in Rockland County and  
6 put it back to work. So thank you very much.

7 (Applause.)

8 MR. MILLS: One minute, okay.

9 MR. CASSCLES: I only need one minute.

10 MR. MILLS: One minute.

11 MR. CASSCLES: I want to quote two items from  
12 the EIS.

13 MR. MILLS: State your name again.

14 MR. CASSCLES: Wellington Casscles. Okay.

15 Page S-3, halfway down the page, just one sentence.

16 "Therefore, it is possible" -- more likely probable --

17 "that the proposed CHPE Project Power will be purchased

18 first and displace natural gas and fuel sources of

19 electric generating supply in this region." In other

20 words, like they said on the next page. They're going

21 to reduce the air pollution, greenhouse gas emissions

22 within the New York City area "by alleviating the need

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1 to operate one or more existing fossil fuel power  
2 plants."

3           They say they're going to create 26 jobs.  
4 You shut down a power plant. How many jobs are you  
5 taking away? And if they're going to shut down power  
6 plants, the megawatts that they're going to produce,  
7 we're not gaining anything. We're probably going to  
8 wind up losing.

112-04

**112-04:** See response to Comment 104-01. There is no evidence that the proposed CHPE Project would reduce the availability of existing jobs.

9           What we should do is build another power  
10 plant like Big Alice, which is twice the size of their  
11 CHPE line. Build another big power plant or two smaller  
12 ones that'll give us 2,000 megawatts, and tell them to  
13 take their Canadian power and keep it.

14           (Applause.)

15           MS. CASSCLES: Rebecca Casscles, 69 Beech  
16 Road. I'm sure by now you've realized we are passionate  
17 about our town. I also belong to the New York Rising  
18 Committee, along with Luanne, and Susan, and my husband.  
19 We're so involved. We spent a Saturday afternoon from  
20 10:00 in the morning until 10:00 at night going over  
21 this project. My husband's family has been in this area  
22 since the late 1600s.

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## Comment 113

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1 I happen to be a carpetbagger. I'm asking  
2 for an extension. This committee, the Just Say No  
3 Committee, has read every piece of paper that has come  
4 down. But we are not lawyers, and it's going to take us  
5 to digest this, to come up with questions. Also in the  
6 beginning the CHPE Project was going to end at the  
7 Astoria Queens Substation. Suddenly it's ending in  
8 Ravenswood. Anybody here heard of Big Alice? Why is it  
9 going from a substation to a power plant? I have  
10 concerns about this.

113-10 **113-10:** See response to Comment 107-01.113-11 **113-11:** See response to Comment 109-04.

11 I'm inviting each and every one of you to  
12 come to our home and walk the line with us. I'll serve  
13 coffee and cookies. But I think you need to come to see  
14 what it is that we are up against. We're going to lose  
15 some of our property. We will now have a rental that  
16 will be a nonconforming building on a nonconforming lot.  
17 That building is what helps pay our taxes in this town.

113-12 **113-12:** See response to Comment 113-01.

18 And again, one house off the railroad tracks  
19 for the 2.2 miles, we generate \$1 million in town taxes.  
20 One million dollars. The CHPE will only be giving the  
21 town about \$220,000.

113-13 **113-13:** See response to Comment 113-01.

22 So please, I beg you, give us this extension

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## Comment 121

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1 because I feel like this is a David and Goliath battle.  
 2 We don't have the wherewithal that TDI and Blackstone  
 3 have. Please, please, give us the opportunity to digest  
 4 this and let us take a look at it and submit really  
 5 fundamental questions. Thank you.

6 (Applause.)

7 MR. WALDRON: Just a couple of things. I  
 8 don't know if you're aware, but inside this information  
 9 right from CHPE, this power line only lasts 40 years,  
 10 maybe a little bit more. That's ridiculous. Forty  
 11 years. That's the life expectancy. I can show it to  
 12 you after I'm done. I'll do it.

121-06 **121-06:** The lifespan of the proposed CHPE project would be 40 years or more (see EIS Section 2.4.13).

13 I also have to second the extension process.  
 14 I respectfully say you must -- respectfully say you  
 15 must give us that. And, two, this is a little off the  
 16 beaten track, but if a little animated gecko for the  
 17 Geico commercial can claim that we are the Empire State  
 18 because we have the resources, I say it's time we use  
 19 these resources from New York State, not a foreign  
 20 country. We shouldn't be relying on foreign power or  
 21 foreign power for our country for our energy. That's  
 22 ridiculous, I'm sorry. Thank you.

121-07 **121-07:** See response to Comment 107-01.

121-08 **121-08:** See response to Comment 126-02.

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## Comment 119

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1 (Applause.)

2 MR. MILLS: Thank you.

3 MS. FURLONG: Can I talk from here because I  
4 have trouble standing. I can do it without a  
5 microphone. I yell at kids. Okay. MaryEllen Furlong.  
6 I remember a number of years ago in California, there  
7 was a big scandal regarding a project-- a company  
8 called Enron regarding the purchase and repurchase and  
9 selling of power, and the corruption, and all the jobs  
10 in the economy that were destroyed.

11 Now, it's been brought up that Blackstone has  
12 a connection to all of these entities. How do we know  
13 that they're not going to be an Enron, and that they are  
14 going to not manipulate the power and the price of power  
15 coming down from Canada to New York? How do we know  
16 that they're not complicit in the destruction of jobs  
17 and the destruction of the economy for their profit?

119-08

18 You, Mr. Mills, and you, Ms. McDonald, and  
19 Ms. Smith, and Mr. Palmer, you have a big job because we  
20 have been steamrolled and put behind the eight ball,  
21 because we're a little town in the smallest county in  
22 New York. And they think they can do whatever they want

**119-08:** Comment noted. There is no evidence that the proposed CHPE Project would reduce the availability of existing jobs or negatively impact economic development (see response to Comment 104-01). In addition, the operation of the CHPE Transmission Line is subject to the conditions of the NYSPSC Certificate and the Federal Energy Regulatory Commission (FERC) Order Docket No. ER10-1175-000 issued to the Applicant on July 10, 2010.

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1 here, and they can't because it's time that people speak  
2 up and say no. You can't invade our town. You can't  
3 rip the heart out of it. You can't destroy our schools  
4 because we won't have a tax base to support them. We  
5 won't have people making money or having jobs because  
6 you've transported those jobs out of New York State.

7           You need to sit down with our Governor, and  
8 our town, and our education systems, and everybody, and  
9 develop a plan that will give our children and us a  
10 developed program that will provide jobs and a tax base  
11 that will support this town, and this county, and this  
12 State to make it a successful place. And that's a big  
13 responsibility. And I think you need to live up to it,  
14 and everybody in Albany needs to live up to what they  
15 are doing up there. It's not for their benefit, but  
16 it's for the benefit of the citizens of this State and  
17 this town.

18           That's why they're up there. That's why you  
19 are up there. Government needs to be responsible, and  
20 if you're not responsible, then we need to replace you  
21 and put somebody in there who will respond to the people  
22 because we're fed up. And we're tired of being ignored

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## Comment 117

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1 and run over. And I'm sorry if it's a little  
2 disrespectful, but that's how we feel. We are tired of  
3 it.

4 And Ms. Susan and Rebecca and everybody, they  
5 try so hard to build up this town, and everybody thinks,  
6 oh, it's just Stony Point, what are they? Well, I think  
7 they might find out we're a lot tougher than what people  
8 imagine us to be. Thank you.

9 (Applause.)

10 MR. MILLS: If there are no other speakers.  
11 Yes?

12 MR. WALDRON: We could stay up for hours. We  
13 could. We could stay up for hours. I got more to say,  
14 but we have to end sometime. You should meet with us  
15 somehow.

16 MR. LUDWIGSON: Steve Ludwigson with the  
17 Boilermakers. I already what I wanted earlier. Just  
18 one thing I want to make clear. In New York State when  
19 they purchase power, okay, if Mr. Jessome can produce it  
20 for, say, \$15 a megawatt and everybody else is paying  
21 \$50, okay, it makes it sound like you're saving \$35 a  
22 megawatt. But in New York State, whatever the highest

117-05

**117-05:** Comment noted. The New York State electricity market is regulated by the NYSPSC and the New York Independent System Operator (NYISO). The pricing mechanisms for power purchases in the New York State electricity market are not the subject of this EIS.

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1 price paid for power, everybody gets it.

2 So if you're paying \$50, he's getting \$50

3 even though it's only costing him \$15. All we're doing

4 is displacing money from New York and employers in New

5 York that could be making it and sending it to Canada,

6 okay? And it might seem like, okay, you have a choice.

7 Well, New York City, 80 percent of the power is

8 supposed to be produced in the five boroughs of New York

9 City. I know Indian Point supplies some of the other 20

10 percent regardless. Eighty percent manufactured, built,

11 supplied, New York City.

12 There's an exception. New York City used to

13 run on DC power, and they never took it out of the

14 rules. So if you can produce DC power, you get the

15 first bite at the apple. Right now you've got a

16 thousand megawatts with one line coming down. According

17 to Susan, there's four or five more coming in behind it

18 that are already looking for their permits waiting to

19 see where this goes. That could be 6,000 megawatts that

20 you'll never get to produce again in New York. Nobody

21 will make the money on it here. It'll all go north,

22 okay?

117-05

117-06 117-06: See response to Comment 110-03.

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1           So it's not -- I know this is environmental  
2 whether it's safe for the river or not safe for the  
3 river. This is jobs. This is people's livelihoods.  
4 And we really need to look at that. Thank you.

117-07   **117-07:** See response to Comment 104-01.

5           (Applause.)

6           MR. MILLS: Thank you. One more.

7           MR. MCPARTLAND: Brian McPartland, Local 503,  
8 IBEW. As I said before, we represented the people that  
9 worked in the power plants. The one power plant is  
10 leveled. We had 250 people working between two power  
11 plants. Now we have 36 working at Bowline. If we  
12 constructed power plants here, do you know how many  
13 trades would be taken into that? Do you know how many  
14 -- the boilermakers would make money, the electricians  
15 would make money, the town would make money. Everybody  
16 would make money. That's -- and, yes, naturally I would  
17 hope to represent the people that are at that plant.

117-08   **117-08:** The proposed CHPE Project would not prevent the  
development of other projects.

18           But we have to understand that by sending  
19 this to Canada and bringing it down, we're just  
20 bypassing a whole industry that's right here. And I  
21 understand the laborers, okay, they got a project labor  
22 agreement, and I understand they got to deal cut. I

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1 understand that. Twenty-six jobs. You heard it. You  
2 heard the facts. The facts are 26 jobs. If you  
3 constructed power plants at Bowline and Lovett, you'd  
4 probably have more because somebody has got to do the  
5 work to get the grounds laid.

6 All right, that's it. Thanks.

7 (Applause.)

8 MR. MILLS: Thank you. All right.

9 (Laughter.)

10 SPEAKER: I can keep going.

11 MR. MILLS: That's okay. Shall we gavel it?

12 This hearing is now adjourned.

13 (Whereupon, at 8:20 p.m., the meeting was  
14 adjourned.)

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2

3 CHAMPLAIN HUDSON EXPRESS TRANSMISSION

4 TRANSMISSION LINE PROJECT

5

6 DOE EIS PUBLIC HEARING

7

8

9

10

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12

13

14 Tuesday, November 19, 2013

15

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17

18

19

20 Holiday Inn Albany - Wolf Road

21 205 Wolf Road

22 Albany, New York 12205

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PARTICIPANTS

AGENCY REPRESENTATIVES/HEARING OFFICERS:

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JULIE SMITH

PUBLIC PARTICIPANTS:

ANTHONY FRESINA

CAROL TANSEY

TOM ELLIS

PAUL CAPEL

SANDY STEUBING

JESSICA SEMON

STEVEN LUDWIGSON

LAVAR SMITH

JURGEN WEKERLE

SUSAN LAWRENCE

PHIL WILCOX

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1           The reason we are here is Champlain Hudson  
2 Power Express is proposing to construct an international  
3 transmission line. They've asked the Department of  
4 Energy for a presidential permit. A presidential permit  
5 is needed before any transmission line can be built  
6 across the U.S. international border. DoE determined  
7 that an environmental impact statement would be the  
8 appropriate level of analysis for this presidential  
9 permit.

10           This is a public hearing on the Champlain  
11 Hudson Power Express Transmission Line Project draft  
12 Environmental Impact Statement. That's a mouthful, so  
13 I'm going to refer to that from now on as the draft EIS.  
14 Once we begin the hearing, we will hear from you in the  
15 order that you signed up. If you wish to speak but have  
16 not signed up, you can sign up at the registration table  
17 outside the doors.

18           For those of you who may not be familiar with  
19 the process that we go through in preparing an EIS and  
20 where we are for this particular project in the process,  
21 I'll cover some of the steps here briefly. Although I'm  
22 sure you've all read the draft EIS available on our EIS

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1 website, you can also find more detailed information for  
2 the process and this project, again, on that website.

3         The first step in the EIS process is we start  
4 public participation by issuing a Notice of Intent to  
5 Prepare an Environmental Impact Statement, an EIS. For  
6 this project, DoE issued our Notice of Intent on June  
7 18, 2010, and an amended notice on April 30th, 2012.  
8 The Notice of Intent begins a process that we call  
9 scoping, which is an opportunity for the public to tell  
10 us their issues and concerns related to the project. We  
11 use this input to help us prepare the draft EIS. If you  
12 commented during the scoping period, we used your  
13 scoping comments to determine which alternatives and  
14 which issues we needed to address in the EIS.

15         The next step in the process is to prepare the  
16 actual draft EIS. The draft EIS analyzes the  
17 foreseeable environmental impacts that might result from  
18 granting the presidential permit. The draft EIS also  
19 identifies steps that might be needed to mitigate  
20 impacts. For this project, we issued the draft EIS on  
21 October 21st, 2013. After we issue a draft, we ask the  
22 public to comment on it during the public comment

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1 period. The Environmental Protection Agency, or EPA,  
2 opens the comment period by publishing a Notice of  
3 Availability in the *Federal Register*. The EPA notice  
4 for this draft EIS was in the *Federal Register* on  
5 November 1st, 2013.

6           Since this is where we are in the process, the  
7 public comment period, I'm going to cover this just a  
8 little bit more in detail. The comment period gives you  
9 an opportunity to tell us any changes that you would  
10 like to see in the draft EIS, what you think is wrong  
11 about the document, and how you think we should fix it.

12       We are also looking for issues you think we missed or  
13 didn't cover as well as we should have.

14           If you have questions as part of your comments  
15 today, we will not be able to answer your questions, but  
16 we will do so in the final EIS. It's also very helpful  
17 for when you make your comments to cite specific  
18 sections or page numbers from the document itself. None  
19 of this is required, but it will help us to understand  
20 your comments.

21           During the hearing, the hearing's officers may  
22 ask questions to allow you to clarify points that you're

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1 making. Whether you choose to speak or not, you are  
2 invited to submit written comments. Instructions to do  
3 so are provided on the boards at the back of the room,  
4 how to make comments, or are available on the  
5 registration table. All comments, whether written or  
6 oral, are treated the same and have equal weight.

7         For this draft EIS, we will continue to accept  
8 comments until December 16th, 2013. To the extent that  
9 we can, we will also consider your comments submitted  
10 after that date. After the close of this comment  
11 period, we will write the final Environmental Impact  
12 Statement, which considers your comments. The final EIS  
13 will contain a comment response document that addresses  
14 comments received on the draft EIS. When completed, the  
15 Environmental Protection Agency will again issue a  
16 Notice of Availability of the final EIS in the *Federal*  
17 *Register*, and again, we will post the document on the  
18 EIS website and send it out to the mailing list. No  
19 sooner than 30 days after the EPA lets all of you know -  
20 - all you *Federal Register* readers know the final EIS is  
21 out there, DoE may issue a Record of Decision on the  
22 presidential permit application. I hope that this very

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1 general outline is helpful to you in understanding where  
2 we're at.

3 I'd also like to mention a couple of other  
4 things about the draft EIS and this project. The  
5 Department of Energy has the authority to permit the  
6 border crossing. The U.S. Army Corps of Engineers  
7 issues Clean Water Act permits. The State of New York  
8 has the authority to cite transmission lines in New  
9 York. Several other Federal and State agencies are  
10 working with DoE and the Corps in preparing the draft  
11 EIS, including U.S. Environmental Protection Agency, the  
12 U.S. Fish and Wildlife Service, U.S. Coast Guard, the  
13 New York State Department of Public Service, New York  
14 State Department of Environmental Conservation. These  
15 are all cooperating agencies in the preparation of the  
16 draft EIS.

17 Now, I know that was a lot, so what you need  
18 to remember for this hearing are the three following  
19 points. First, comments received on the draft EIS will  
20 be included in the final EIS, and we will respond in the  
21 document to the comments that we receive. Two, comments  
22 expressed at one of our hearings or provided to us by

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1 email or letter will all be considered equally. And  
2 lastly, the comment period for the draft EIS closes on  
3 December 16th, 2013.

4 I'll now turn this over to our hearing's  
5 officer, Jodi McDonald, from the U.S. Army Corps of  
6 Engineers.

7 MS. MCDONALD: Thank you, Julie. Good  
8 afternoon -- good evening. I am Jodi McDonald. I'm  
9 Chief of the Regulatory Branch for the New York District  
10 Army Corps of Engineers. I will be the presiding  
11 officer on behalf of the Corps of Engineers for today's  
12 public hearing.

13 The Corps of Engineers is here today to obtain  
14 information and evidence and ensure coverage of core  
15 concerns, to assist in the regulatory review of a permit  
16 application by Champlain Hudson Power Express,  
17 Incorporated for the installation and construction of a  
18 336-mile power cable from the Canadian border through  
19 waters of the United States, including wetlands, Lake  
20 Champlain, the Hudson River, Harlem River, and East  
21 River. The U.S. Department of Energy as lead Federal  
22 agency will make a decision whether to issue a

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1 presidential permit to allow the crossing of the U.S.  
2 border to facilitate the operation of this power cable.

3         The Corps of Engineers is neither a proponent  
4 for nor an opponent of the proposed work. Our role is  
5 to determine whether the proposed activity -- in this  
6 case, the installation of a power line in waters of the  
7 United States -- is in the overall public interest.  
8 This hearing will play an important part in that  
9 determination.

10         Please understand that we do not expect to  
11 answer questions from the dais in this hearing related  
12 to the proposal as we are here to obtain information and  
13 your comments. Questions on the regulatory process in  
14 general can be directed to my staff member in the  
15 audience today, and that's June Yen sitting in the back.

16         The New York District has issued a public  
17 notice for this project with the comment period closing  
18 on December 16th, 2013. That public notice is currently  
19 posted on the New York District website. The website  
20 address is [www.nan.usace.army.mil](http://www.nan.usace.army.mil), as in "military." We  
21 do have some copies available on the registration table  
22 as well. If you are not currently on our public notice

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## Comment 131

11

1 email distribution list and would like to receive a copy  
2 of future announcements for email public notices, please  
3 provide your email address at the registration table.

4 I will now open the hearing.

5 (Pounding of gavel.)

6 MS. SMITH: For our first speaker, can we hear  
7 from Anthony Fresina? And I apologize if I don't  
8 pronounce names correctly.

9 MR. FRESINA: That's okay. You did pretty  
10 good.

11 MS. SMITH: Okay, good.

12 MR. FRESINA: Well, good evening. I just want  
13 to introduce myself. My name is Anthony Fresina. I'm  
14 Business Manager of Laborers Local 190. I represent  
15 laborers that -- from Fort Edward, Washington County, to  
16 Green County, to the Catskills. I stand here -- I  
17 should say we stand here today in favor of this project.  
18 We believe it's going to be a good project. It'll  
19 bring good paying jobs, skilled labor, skilled jobs to  
20 the area, good for the economy. And we're hoping that  
21 with this job, that it'll boost the economy.

22 And we represent laborers, as I said, that are

131-01 **131-01:** Comment noted.

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## Comments 132 and 133

12

1 skilled and OSHA trained. We have a training facility  
2 in Albany -- in Glenmont, I should say, and we're in  
3 favor for the project, and I hope it goes. Thank you.  
4 (Applause.)  
5 MS. SMITH: Carol Tansey?  
6 MS. TANSEY: My name is Carol Tansey, and I  
7 live in Albany, New York. I'm a private citizen. I'm  
8 an environmental activist, and I would rather see New  
9 York City generate solar power to get their own  
10 electricity. It's local. It makes more sense to me  
11 than to let this pipeline come down from Canada. We can  
12 handle this ourselves here in the United States. Thank  
13 you.

132-01

**132-01:** Comment noted. The source of the electric power to be transmitted through the proposed CHPE Project is outside the scope of the EIS. In addition, the proposed CHPE Project is a buried electric transmission line, not a pipeline.

14 (Applause.)  
15 MS. SMITH: Tom Ellis?  
16 MR. ELLIS: Can I speak from here?  
17 MS. SMITH: Certainly.  
18 MR. ELLIS: Because I've got some papers I  
19 want to read from. All right. Good evening, everybody.  
20 My name is Tom Ellis. I live in Albany. I appreciate  
21 this opportunity today to discuss the Federal  
22 government's DEIS. I recommend that the presidential

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1 permit be denied. I spoke at the July 14th, 2010  
2 scoping hearing on this project, and I stick with what I  
3 said that night.

4 I represent both the Citizen's Environmental  
5 Coalition and the Solidarity Committee of the Capital  
6 District as I did in 2010. Both organizations have a  
7 long history of opposing the importation of additional  
8 Canadian river destroying hydroelectricity into New  
9 York.

10 Just a little bit of information about both  
11 groups. Last month the Solidarity Committee featured UE  
12 Political Action Director, Chris Townsend, at our 30th  
13 anniversary celebration. Chris is working to try to  
14 save the 200 jobs at Fort Edward that General Electric  
15 is proposing to eliminate. Early this month, the  
16 Citizens Environmental Coalition organized the New York  
17 State Fracking Health Summit at which a dozen public  
18 health professionals met to carefully analyze the health  
19 issues local governments in Upstate New York may face if  
20 natural gas hydro fracking is allowed in the State. I  
21 have information about that if anybody wants it.

22 So both the Citizens Environmental Coalition

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1 and the Solidarity Committee worked with the support of  
 2 Cree Indians in Quebec to force cancellations of two  
 3 contracts the New York Power Authority had with Hydro-  
 4 Quebec. Cancellation of these contracts 20 years ago  
 5 led Hydro-Quebec to cancel its proposed Great Well River  
 6 Project that had it gone forward would've literally  
 7 destroyed the Great Well River and five other rivers  
 8 that flow into James and Hudson Bays about a thousand  
 9 miles north of here.

10 Since the 1970s, Hydro-Quebec has destroyed  
 11 large rivers in Quebec, including the La Grande,  
 12 Eastmain, and Rupert. At present, Hydro-Quebec is  
 13 destroying the Romaine River that flows into the Gulf of  
 14 St. Lawrence near Havre-Saint-Pierre, about 800 or 900  
 15 miles northeast of here. The draft EIS did not examine  
 16 the environmental and health impacts of the entire  
 17 Champlain Project despite many requests, including mine,  
 18 to do so. The DEIS authors stated their reasons on page  
 19 1-17 and 1-18 for not examining the Canadian impacts of  
 20 this project. However, not performing such an analysis  
 21 renders the DEIS incomplete and defective.

22 It also prevents Champlain Hudson Power and

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133-01

133-02

**133-01:** The DOE addressed this issue in Section 1.7.4 of the EIS. Evaluating potential impacts in Canada is outside the scope of the EIS. NEPA does not require analysis of impacts that occur within another sovereign nation that result from actions approved by that sovereign nation. This is consistent with Executive Order (EO) 12114, Environmental Effects Abroad of Major Federal Actions (January 4, 1979), which does not require Federal agencies to evaluate impacts outside the United States when the foreign nation is participating with the United States or is otherwise involved in the action. The Quebec Provincial Government would conduct an environmental review for impacts in Canada, as applicable, as part of its authorization process associated with the construction of facilities (i.e., a new transmission line from a proposed new HVDC converter station at Hertel, in La Prairie, Quebec, to the U.S./Canada border) in the province. The Canadian Government, through the National Energy Board, would also have the authority to authorize the project and consider potential environmental impacts in its analysis. Therefore, NEPA and EO 12114 specify that the assessment of potential environmental impacts of the proposed CHPE Project is to be restricted to the evaluation of impacts that might occur within the United States.

**133-02:** Potential impacts in Canada associated with the source of the power to be transmitted through the CHPE transmission line is outside the scope of the EIS. According to the New York Energy Law § 1-103(12), renewable energy resources are “sources which are capable of being continuously restored by natural or other means or are so large as to be useable for centuries without significant depletion and include but are not limited to solar, wind, plant and forest products, wastes, tidal, hydro, geothermal, deuterium, and hydrogen.” The hydropower energy to be delivered to the New York City metropolitan area via the proposed CHPE Project would be considered renewable energy according to New York Energy Law.

1 the Department of Energy from proving that the Champlain  
2 Hudson Power Project would provide the New York City  
3 metro region with renewable energy, and it also prevents  
4 them from proving that the project, if it goes forward,  
5 would lead to a reduction in carbon dioxide and other  
6 climate change emissions that contribute to rising  
7 temperatures on this planet. Both the applicant and the  
8 DoE assert that the Canadian hydro power that would flow  
9 through the Champlain Hudson Power Line is renewable  
10 energy or is renewable electricity.

11 Many people, including the Climate Action  
12 Network of Canada assert that damming, diking,  
13 diverting, and destroying rivers is not truly renewable  
14 electricity. Hydro-Quebec generates much of its overall  
15 electricity from manmade reservoirs. Hydro-Quebec's  
16 hydro electrical development has altered river flow  
17 patterns that used to peak in the spring. Today, peak  
18 electricity generation is often in winter when power  
19 demand is high. Winter water flows have increased many-  
20 fold, devastating fish spawning and greatly increasing  
21 soil erosion rates. Such destruction hardly qualifies  
22 as renewable energy.

- 133-02

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1           The Department of Energy and Champlain Hudson  
2   assert, but do not prove, that the Champlain Hudson  
3   Project would reduce carbon dioxide emissions. Non-run  
4   of the river hydro projects contribute to climate  
5   change. Rotting vegetation in flooded river valleys  
6   releases carbon dioxide and methane into the atmosphere.  
7   Flooded rivers can no longer absorb carbon dioxide from  
8   the atmosphere. Intact ecosystems lessen climate change  
9   through oxygen production and carbon storage.

10           If the Champlain Hudson Project is constructed  
11   and Canadian electricity displaces fossil fuel  
12   electricity in the New York City area, would the  
13   reduction in global warming emissions in downstate New  
14   York be greater than the increase in global warming  
15   emissions in Canada? Who knows? Without an  
16   environmental review of the source of the Champlain  
17   Hudson Power, neither the Department of Energy nor  
18   Champlain Hudson Power can prove that the Champlain  
19   Hudson Project is a low carbon electricity project  
20   despite their assertions that it is. And let us not  
21   forget that Hydro-Quebec floods huge areas. The Rupert  
22   River Project flooded more than 100 square miles.

133-03

**133-03:** As presented in Section 1.4 of the EIS, the New York State Department of Public Service (NYSDPS) estimated that implementation of the proposed CHPE Project would result in an annual reduction of emissions of carbon dioxide, sulfur dioxide, and nitrogen oxides. See response to Comment 133-01 regarding analysis of potential impacts in Canada.

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1           We live on a planet that is rapidly warming.  
2   We need to preserve what nature has given us. Three  
3   years ago, the New York State Climate Action Council  
4   issued its Climate Action Plan Interim report. On page  
5   OV-8 of the report is a graphic indicating air  
6   temperatures in New York may increase from five and a  
7   half to seven -- from five and a half to seven degrees  
8   Fahrenheit by the 2080s compared to the 1980s.

9           In Chapter 11 of that report concerning  
10   adapting to climate change are some specific  
11   recommendations the State should take. On page 11-81 is  
12   a recommendation directly in conflict with the Champlain  
13   Hudson Power Project. It reads, "All water-related  
14   permit programs and policies should minimize alterations  
15   and disruptions to the natural hydrological cycle to the  
16   extent possible. Regulatory agencies should implement  
17   this recommendation at multiple scales, including site-  
18   level planning and construction, as well as more  
19   regional watershed scales." New York should be  
20   consistent with its policies. New York should reject  
21   imported electricity from out of State entities who  
22   disrupt or even destroy the natural hydrologic cycle.

133-04

**133-04:** The proposed CHPE transmission line would be installed below ground and beneath the bottom of Lake Champlain and the Hudson, Harlem, and East rivers, and would not result in a significant alteration of the hydrologic cycle of waters of the United States. The Specific Action cited from the New York State Climate Action Council's Climate Action Plan Interim Report was proposed to guide the creation of technical guidance and design standards that the Interim Report suggests should be incorporated in storm water, wastewater, and water supply permit guidance, and permit reviews and approvals. The proposed CHPE Project would comply with all required permit guidance. Additionally, the Applicant would implement BMPs identified in the Applicant's Environmental Management & Construction Plan (EM&CP), conditions specified in the NYSPSC Certificate for the proposed CHPE Project, and Applicant-proposed measures to minimize impacts on water resources (see EIS Section 2.4.12).

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1           Climate change is a global problem and it  
2 requires vast international cooperation to effectively  
3 deal with it. And now there is a second Champlain Hudson  
4 or Champlain Project -- there's no time limit is there?

5           MS. SMITH: There is not a time limit.

6           MR. ELLIS: All right, thank you -- for New  
7 England that, if approved, would bring 1,000 megawatts  
8 of Quebec hydroelectricity into Vermont and probably to  
9 coastal New England. This proposal may stimulate  
10 additional river destruction in Quebec, which may lead  
11 to additional Champlain Hudson proposals.

12           The other major critique the Citizens  
13 Environmental Coalition and the Solidarity have is that  
14 even ignoring the health and environmental impacts in  
15 Canada, the Champlain Hudson Project is a poor way for  
16 New York State and New York City to meet our energy  
17 needs. The questions I ask are: should it be allowed,  
18 is it the best use of our finite resources, who benefits  
19 the most and the least from it, would its approval and  
20 construction retard the development of better  
21 alternatives, and why is there such a skimpy analysis of  
22 alternatives to the Champlain Hudson Project contained

133-05

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**133-05:** See response to Comment 133-01 regarding analysis of impacts in Canada. The Proposed Action analyzed by DOE in this EIS is the issuance of a Presidential permit that would authorize the construction, operation, and maintenance of the proposed CHPE Project that would cross the U.S./Canada border. Alternatives for the source of power to be transmitted through the proposed CHPE Project are outside the scope of the EIS. During preparation of this EIS, DOE considered other reasonable alternatives to the CHPE Project (see Section 2.5 of the EIS), but ultimately eliminated these alternatives from further detailed analysis due to various reasons, as discussed in Section 2.5. The alternatives considered included different route alignments, upland transmission routes, conservation and demand reduction measures, use of HVAC vs. HVDC technology, and various interconnection and converter station alternatives. The purpose of the proposed CHPE Project is to deliver power into the New York City metropolitan area electrical market; therefore, no other power generation sources, such as solar power projects, were considered as alternatives.



1 in the DEIS. I saw no discussion of solar power in the  
2 DEIS, nor does the word "solar" appear in the index.  
3 The word "NYSERDA" does not appear in the index either  
4 or any information about the vast energy efficiency and  
5 solar projects that are job creating projects that  
6 NYSERDA is working on right now. It's simply absent  
7 from the DEIS.

133-05

8 In my spring 2010 scoping comments, I stated  
9 that investing in weatherization and conservation  
10 projects and improving energy efficiencies here in New  
11 York could provide many thousands of New York State  
12 residents with high quality jobs. I mentioned that  
13 young people, and especially young men, have been hard  
14 hit by the recession that began in 2008. And I  
15 mentioned that decades ago the American Council for an  
16 Energy Efficient Economy reported New York had vastly  
17 reduced its overall use of electricity and summer and  
18 winter peak demands by installing heavy -- excuse me --  
19 highly-efficient motors, lighting, and other appliances.  
20 The draft Environmental Impact Statement devotes parts  
21 of only one page -- that's 2-44 -- to its discussion of  
22 conservation and demand side measures without mentioning

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1 at all the considerable employment potentials that these  
2 have.

3 The DEIS contains less than one page -- 6-11 --  
4 - on wind energy -- half a page. The failure of the  
5 DEIS to seriously or even half-heartedly examine the  
6 considerable energy and employment advantages of  
7 conservation, energy efficiency, wind and solar power,  
8 renders the DEIS highly deficient. The DEIS on page 2-  
9 44 contains a weak rationale for its decision in this  
10 matter. It says, "Consequences the New York's  
11 independent system operator has demonstrated that energy  
12 efficiency and conservation measures alone would not  
13 address southeastern New York's increasing demand for  
14 electricity, and that a mix of energy efficiency, demand  
15 reduction, and new generation would be required to meet  
16 future energy demand. Therefore, DoE determined that  
17 conservation and demand side measures alternative alone  
18 is not a reasonable alternative, and is, therefore, not  
19 addressed further in the EIS." Completely ignored is  
20 the possibility that with intense conservation and  
21 energy efficiency, electricity demand might no longer  
22 increase or that conservation wind, energy efficiency,

133-06

**133-06:** Comment noted. See response to Comment 133-05 regarding alternatives to the proposed CHPE Project. Energy efficiency (i.e., demand reduction) and conservation measures were considered but eliminated from further detailed analysis because DOE determined that these measures alone were not a reasonable alternative to the proposed CHPE Project (see Section 2.5.3 of the EIS). The possible development of in-state renewable energy projects is outside the scope of the EIS.

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1 and solar together would provide for any increase in  
2 demand.

3 On page 2-44, the DEIS lists the five policy  
4 objectives identified in 2009 New York State Energy  
5 Plan. One of these is to support development of in-  
6 state energy supplies. The Champlain Hudson Power  
7 Project does not meet that objective.

8 In my 2010 scoping comments, I urged this  
9 project be rejected because if it's approved, many tens  
10 of millions of wealth will flow out of New York State  
11 each year to pay for the Canadian electricity. It would  
12 be much better to implement ways of keeping the wealth  
13 of New York circulating in New York rather than watch it  
14 disappear. The DEIS does not address this issue.

15 Several times the DEIS asserts that the  
16 Champlain Hudson Project would save New York  
17 residents --

18 MS. MCDONALD: Mr. Ellis, excuse me.  
19 Gentlemen in the back, if you're going to have a  
20 conversation, I'm going to ask you to step outside.

21 SPEAKER: I mean, this gentleman could speak  
22 all night. We don't want to be here all night.

133-06

133-07

133-08

**133-07:** The potential issuance by DOE of a Presidential permit for construction of an electric transmission line crossing the U.S. border with Canada would not preclude the development of in-state energy supplies. The possible development of in-state power sources is outside the scope of the EIS.

**133-08:** The EIS addresses potential socioeconomic impacts, including this issue, in Section 5.4.18 (New York City Metropolitan Area Segment) and similar subsections for the other segments of the transmission line route.

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1 MS. MCDONALD: And we haven't -- we have not  
2 set a time limit on speakers because we have only a few  
3 speakers tonight. So we're here until everyone is  
4 finished speaking. But it's very inconsiderate for you  
5 to stand in the back and have a conversation when this  
6 gentleman is trying to make his comments. So if you're  
7 going to --

8 SPEAKER: The gentleman has made his comments.  
9 He's been talking for an hour.

10 MS. MCDONALD: He has every right to do that.  
11 Please either have a conversation outside --

12 SPEAKER: I'll have a conversation right here.

13 MS. MCDONALD: Thank --

14 MR. ELLIS: My comments will take about 15  
15 minutes, I think.

16 SPEAKER: It's been 15 so far.

17 MS. MCDONALD: Go ahead, Mr. Ellis.

18 MR. ELLIS: Thank you. The DEIS does not  
19 analyze this issue. Several times the DEIS asserts that  
20 the Champlain Hudson Project would save New York  
21 residents \$400 or \$500 million a year on electricity  
22 purchases without any data to back it up. But nowhere

133-09

**133-09:** As stated in Section 1.4 of the EIS, the economics of the proposed CHPE Project and potential impact on ratepayers were evaluated as part of the NYSPSC Article VII review process. Independent modeling conducted by the NYSDPS projected that ratepayer benefits in the New York Control Area would total approximately \$405 million to \$720 million per year.

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1 is there any data on how much New York would actually  
2 pay -- how much New Yorkers would actually pay for the  
3 electricity or how much of that money would go to  
4 Canada. This omission needs to be corrected. Okay.

133-09

5           And finally, the Champlain Hudson Project  
6 would provide only a few hundred jobs during  
7 construction and only a few dozen jobs thereafter.  
8 However, there is one alternative that would stimulate  
9 the creation of tens of thousands of good-paying, good  
10 benefits jobs in New York City, and probably upstate,  
11 too, where such employment is desperately needed and  
12 desired by low income workers and the chronically  
13 unemployed. On June 16th, 2011, a *New York Times*  
14 article reported that two-thirds of New York City's  
15 rooftops are suitable for solar panels and could jointly  
16 generate enough energy to meet half the city's demand  
17 for electricity at peak periods according to a new  
18 highly-detailed interactive map. The map showed the  
19 solar potential for the city's one million plus  
20 buildings. The map is at the website of the City  
21 University of New York. It was developed by the City  
22 University in cooperation with the city government and

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1 the Federal Department of Energy. The rooftop solar  
2 could generate up to 5,847 megawatts of electricity,  
3 almost six times as much electricity as this project  
4 under discussion tonight could provide. The Department  
5 of Energy Solar Awareness Cities Programs financed the  
6 map.

7           The article also reported that in San  
8 Francisco after a similar map was developed, the number  
9 of solar installations on private rooftops rose from 551  
10 in 2007 to 2,300 in 2011 with the help of tax credits  
11 and rebates. If only 20 percent of the New York City  
12 solar rooftop potential is developed, it would generate  
13 more electricity than the Champlain Hudson Power can  
14 provide. If 60 percent of the available space were  
15 utilized, more electricity would be provided than by  
16 both the Champlain Hudson Project and by Indian Point.

17           In the years ahead, as solar technology  
18 continues to improve, it may be possible to convert the  
19 sunlight and heat passing through millions of vertical  
20 windows in New York City directly into electricity.  
21 Solar obviously has a huge potential in New York City  
22 and a huge employment potential. If government, private

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1 industry, and building owners made a commitment to equip  
2 25,000 buildings per year with rooftop solar, many tens  
3 of thousands of permanent jobs for electricians,  
4 plumbers, roofers, laborers, carpenters, sheet metal  
5 workers, and other building trades workers would be  
6 generated or would be created by the construction,  
7 maintenance, repair, and upgrading of the solar  
8 equipment -- you know, many, many, many, many more times  
9 as many jobs as this project could provide.

10 It is unfortunate that the DEIS considered  
11 only a no action alternative to the Champlain Hudson  
12 Proposal and ignored the solar alternative that it, DoE,  
13 helped to facilitate or helped to formulate. Among the  
14 many advantages of rooftop solar over the Champlain  
15 Project are it eliminates the need for additional power  
16 lines. It provides for a huge, but unknown, number of  
17 good quality middle-class jobs for New York City  
18 residents. It reduces incentives for Hydro-Quebec to  
19 destroy additional rivers. It keeps the energy dollars  
20 of New York State recirculating in New York State. It  
21 is sustainable, safe energy. It is a tremendous  
22 business opportunity and a tremendous employment

133-10

**133-10:** The purpose of the proposed CHPE Project is to deliver electric power into the New York City metropolitan area electrical market (see Section 1.4 of the EIS); therefore, use of other power generation sources such as rooftop solar were not considered alternatives to the proposed CHPE Project. Implementation of the CHPE Project would not preclude the development or use of rooftop solar, or other renewable generation sources, to meet future electrical demand. The proposed CHPE Project is estimated to create an average of 300 direct construction jobs during its 4-year construction period (see Section 2.3 of the EIS).

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1 opportunity. It spreads the wealth around more evenly  
2 and widely among working families than the wealthy  
3 investors behind this project. It further protects the  
4 earth's environment and climate. It can put vast  
5 numbers of people of color to work.

6           Something like 20 percent of the black men in  
7 New York City are officially unemployed, double the rate  
8 from 2006. And, of course, the official unemployment  
9 rate is way lower than the actual unemployment rate.  
10 Only one-fourth of New York City's black men under the  
11 age 25 have a good job. There are literally hundreds of  
12 thousands of people of color in New York City who have  
13 never had a good job in their life. Solarizing the  
14 city's rooftops is a superb way to bring these men and  
15 women into the mainstream of our Nation.

16           This project here offers nothing of the kind.  
17 Putting tens of thousands of people of color -- excuse  
18 me -- putting tens of thousands of people to work on  
19 solar would reduce poverty rates and government  
20 expenditures to alleviate them. New York City would  
21 become more energy independent. As solar continues to  
22 evolve and people experience success with it, additional

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1 solar incentives or initiatives would be launched in the  
2 city. Solarizing the city's rooftops would greatly  
3 stimulate the solar industry development. New York  
4 State could conceivably become the solar industry  
5 equipment manufacturing center of North America.  
6 Somebody is going to do it. It might as well be New  
7 York. And solar electricity would displace fossil fuel  
8 to electricity, leading to clean air and slowing climate  
9 change.

10 In conclusion, I urge that the presidential  
11 permit be denied, the final Environmental Impact  
12 Statement seriously examine the vast employment impacts  
13 that conversation, energy efficiency, and solar power  
14 offer, and that the in-Canada impacts of this project be  
15 examined. Thank you very much, and I have a copy of the  
16 most recent newsletter of the two groups that I  
17 represent and that I'd like to have included in the  
18 record. And thank you for giving me enough time.

19 (Applause.)

20 MS. SMITH: Our next speaker, Ramon Figueroa?

21 (No response.)

22 MS. SMITH: Perhaps he stepped out. Paul

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## Comment 134

28

1 Capel?

2 MR. CAPEL: Should I come up here?

3 MS. MCDONALD: Your choice.

4 MS. SMITH: Yeah.

5 MR. CAPEL: Okay. Good evening. My name is  
6 Paul Capel. I represent the Hudson River Pilots. We're  
7 the people that bring the big ships up and down the  
8 Hudson River between New York and Albany. We're not  
9 opposed to the project in its theory, in its concept.  
10 We are very much opposed to the routing in which the  
11 State of New York and other agencies have chosen.

12 They have chosen to run this project right  
13 down through the middle of the navigational channel in  
14 very many places. This is going to create quite a  
15 problem for navigation -- to safe navigation, in our  
16 opinion. If we have an emergency with a ship, we have  
17 to drop an anchor to prevent the ship from going aground  
18 or something, perhaps creating an oil spill. Our anchor  
19 could hook this cable and cause a huge problem. In  
20 certain areas, they have determined that they don't have  
21 to put it originally. I believe they were going to put  
22 it 20 feet underground. Now, they have found that

134-01

**134-01:** The risk of anchor snags on concrete mats is noticeably less than that of an exposed communications cable or other utility lines. The transmission line (and any concrete mats) would not cross any existing designated anchorage areas, and mats placed over the unburied transmission line would eventually become covered with sediment, which would further reduce the risk of anchor snags. The burial depth of cables in the Hudson River identified at this time is presented in the Final EIS in Sections S.6.2 and 2.4.10.1, and the exact burial depths and location of the transmission line are being determined in consultation with the relevant jurisdictional agencies, including the U.S. Army Corps of Engineers (USACE) and the U.S. Coast Guard (USCG).

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1 that's going to cost too much money, so they've changed  
2 it to, in some places, five and six feet.

3 In other places where it goes over hard  
4 ground, over rocks, they've proposed putting mats on it,  
5 heavy cement mats. We drop an anchor 15,000 pounds. We  
6 have a 40,000-ton ship behind that doing 10 knots in the  
7 river. They don't make mats big enough to stop  
8 something like that. We'll just rip the mat -- the  
9 cable up and everything there.

134-01

10 We're also very much concerned about dredging.

11 The Army Corps of Engineers is in charge of dredging  
12 the Hudson River. Currently due to financial  
13 difficulties with the Nation, they have not dredged the  
14 river as regularly as they have in the past. Any  
15 dredging company that comes in here and says, well, we  
16 have a cable six feet under the navigational channel,  
17 they're going to go, you're crazy. We're not going to  
18 dredge the Hudson River. We don't want any part of that  
19 project. The Hudson River is now dredged by commercial  
20 dredgers that are on hire to the Army Corps of  
21 Engineers. The Army Corps of Engineers has a number of  
22 dredges. I worked for them for a number of years. I

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1 know what they do. They do not come up the Hudson  
 2 River. They bid that job out.

3 Someone who has liability coverage, the  
 4 insurer is not even going to allow them to go anywhere  
 5 near that project. So basically what's going to happen  
 6 is all these places where they put this, where the  
 7 navigable channel is, they're not going to be able to  
 8 dredge there. They say they can, but no dredging  
 9 company would do that. They just don't feel it's going  
 10 to be safe.

134-02

**134-02:** The proposed CHPE Project transmission line would not traverse any portions of existing maintained (i.e., dredged) Federal navigation channel in the Hudson River (see EIS Section 5.3.2). The transmission line would traverse unmaintained portions of the navigation channel in the Hudson River, but would be buried in actively maintained navigation channels in the narrows of lower Lake Champlain and the Harlem River. Subject to its ongoing review of navigation, environmental, and other public interest factors, the USACE may decide to issue a permit allowing for the placement of the transmission line in these areas provided that the burial depths are adhered to as agreed to between the USACE and the Applicant.

11 A classic example of that is New Haven,  
 12 Connecticut. They put in a line in New Haven,  
 13 Constitution very similar to this one. There hasn't  
 14 been a dredging project in New Haven, Connecticut since  
 15 they put it in about five or six years ago. There's a  
 16 need for maintenance dredging, but they can't do it. So  
 17 basically you're locking the Hudson River into the draft  
 18 that it is right now, and you're not going to be able to  
 19 dredge very much at all, if at all.

20 Another problem is that if you put the cable  
 21 across the front of a particular port or a potential  
 22 area in which they want to build a port, you're locking

134-03

**134-03:** See responses to Comments 134-01 and 134-02.

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1 that port in. Now, you're putting it across. Now, the  
2 contractor is saying that they are going to pick it up  
3 and they'll disrupt service and everything like that.  
4 Once that project is going, and we seriously doubt if  
5 they're going to pick the line up and they're going to  
6 cut it or whatever they're going to do. They're going  
7 to move it so that you can dredge to open stuff up.  
8 It's going to prevent any dredging from happening in the  
9 river that may deepen the river at some point and many  
10 other things.

↑  
134-03  
↓

11 The State of New York built another project.  
12 It went from Connecticut to Long Island several years  
13 ago at a cost of many billion dollars to the rate payers  
14 on Long Island to LILCO -- excuse me -- to LIPA now.  
15 Once they got done, the contractor cut many corners  
16 there. They didn't put it according to spec. As they  
17 ran into hard material and other stuff, they put it up  
18 higher than they were supposed to do. At the end of the  
19 project, the State of New York went to throw on the  
20 switch. The State of Connecticut said, well, you  
21 haven't done this according to specifications;  
22 therefore, we'll allow you to test it, and during

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## Comment 135

32

1 emergency times, we'll allow you to put it on. That  
2 line right now remains unused. Billions of dollars  
3 spent for a big project that they can't even use.  
4       So as I said, we are not opposed to the  
5 project, the concept of the project, or having it come  
6 down. But we are very much opposed to the routing of  
7 the cable coming down through the river. We attended  
8 numerous meetings with the State and various other  
9 agencies throughout the years that this has been going  
10 on. We've expressed our opposition. We tried to get  
11 them to change it. They would not. So we have grave  
12 issues with -- doubts as to whether or not we can  
13 continue safe navigation on the Hudson River if, in  
14 fact, this project goes in in its current configuration.

15 Thank you very much.

16       (Applause.)

17       MS. SMITH: Sandy Steubing?

18       MS. STEUBING: Hi. I'm Sandy Steubing, and  
19 I'm a private citizen here. And I just want to double  
20 down on everything that Mr. Ellis said.

21       So basically I'm in opposition to this power  
22 line. I don't believe that the 300-mile extension cord

135-01 135-01: Comment noted.

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1 from Canada is necessary. I think that dispersed power 135-01  
2 generation is the wave of the future. To begin with, we  
3 have an old power grid and generating power closer to  
4 where it is used that is in New York itself increases  
5 efficiency. It reduces stress on the grid and makes the  
6 whole system more reliable. So close and dispersed  
7 power generations would save utilities from having to  
8 build and maintain the infrastructure of the grid. This  
9 \$2.2 billion project, and it would probably be more,  
10 would -- could create instead that amount of money and a 135-02  
11 large number of green jobs, as Tom said, by putting  
12 solar panels on rooftops. It would be employment for  
13 New Yorkers as opposed to Canadian jobs.

**135-02:** See response to Comment 133-10.

14 I also researched and found the same -- the  
15 same study that Tom did, and you can't see it. But this  
16 map that I just gave the women here shows the large  
17 number of rooftops that -- that is two-thirds of the  
18 rooftops in New York City are appropriate and suitable  
19 for solar panels. So this is a study that's been done,  
20 and we should take advantage of that. And I know  
21 intermittency can be a problem with solar panels, so if  
22 we bundled it with wind turbines offshore in New York,

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1 then we could have a consistent delivery of power.

2 I also want to mention conservation. We don't  
3 talk or think about conservation enough. If we all  
4 devoted ourselves to conserving and using less power,  
5 then we wouldn't have a lot of these problems. I  
6 understand that the cable coming down would be direct  
7 current, and that there would be a large converting  
8 station right outside of New York City, which would be a  
9 target for terrorists.

135-03

**135-03:** As presented in Section 2.5.3 of the EIS, conservation, demand management, or use of other power generation sources by themselves were not considered reasonable alternatives to the proposed CHPE Project.

The potential for intentionally destructive acts, such as terrorism, was analyzed in Section 5.1.14 of the EIS, but is unpredictable. Although the Luyster Creek HVDC Converter Station would be aboveground, the risk from terrorism activity would be no greater than similar infrastructure associated with aboveground transmission lines or other energy facilities.

10 Small or more dispersed power generation has  
11 built-in resiliency and would be less vulnerable to  
12 blackouts. Like Tom said, the dams of Quebec are  
13 artificially created and environmentally destructive. I  
14 think the power industry can recreate itself, much like  
15 the telecommunications has done. And finally, I'd like  
16 to cite a Cornell and Stanford paper about how New York  
17 State can be totally energy dependent by 2030, and  
18 they've done a very large study on this that I encourage  
19 people to look at.

135-04

**135-04:** The proposed CHPE Project would not prevent the development of other projects, including small and dispersed power generation.

20 So thank you very much.

21 (Applause.)

22 MS. SMITH: Jessica Semon?

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## Comment 136

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1 MS. SEMON: Hello. My name is Jessica Semon.  
2 I'm an Albany County resident. I am activist for  
3 social and environmental justice. I'm here to just say  
4 that I'm against this project, and I suggest that the  
5 permit be denied.

6 One reason is because we need to -- we need to  
7 embrace solar energy. I was recently at a talk by Dr.  
8 Richard Perez, who is a research scientist at U-Albany's  
9 Department of Atmospheric Science. Go ahead and Google  
10 Dr. Richard Perez and solar, and you'll find lots of  
11 information. I found it to be very informative.

12 Basically -- well, not basically, but one  
13 thing that impressed me was that there was a chart that  
14 showed the amount of energy that solar could produce  
15 compared to all of the other energy that could be  
16 produced with water, wind, fossil fuels, coal,  
17 everything. And solar is the size of a dinner plate,  
18 and water is about the size of a pea. We are eventually  
19 going to have to embrace solar. Solar is going to  
20 create many jobs, which is very needed in this State.

21 I also know that hydraulic is damaging to  
22 rivers, and the environment, and the wildlife. And I

136-01 **136-01:** Comment noted.

136-02

**136-02:** The potential impacts associated with constructing and operating the transmission line in Lake Champlain are addressed in Section 5.1 of the EIS. Potential impacts on aquatic and terrestrial wildlife in Lake Champlain are discussed in Sections 5.1.4, 5.1.5, 5.1.6, and 5.1.7.

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## Comment 137

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1 would like to know what the impact -- the environmental  
2 impact of this is going to be when they lay these power  
3 lines under Lake Champlain and how the wildlife will be  
4 impacted.

136-02

5 I also would like to see our energy be created  
6 locally. If it's going to be more reliable, if it's  
7 going to be less maintenance needed, we'll have better  
8 resilience against blackouts. And I would just like to  
9 see the local economic benefits to be -- to be as best -  
10 - I think that if we keep energy local and if we embrace  
11 solar energy, the economic benefits of this are going to  
12 be much better than embracing this project. Thank you.

136-03

**136-03:** Comment noted.

13 (Applause.)

14 MS. SMITH: Steven Ludwigson?

15 MR. LUDWIGSON: Good evening. My name is  
16 Steve Ludwigson. I'm the Business Manager for the  
17 Boilermakers Local 5. I represent the boilermakers in  
18 all of New York State, with the exception of the 16  
19 counties located around Buffalo, New York. Our members  
20 are highly skilled professionals with expertise that  
21 comes only with extensive training and years of  
22 practice.

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1 I'm here tonight to state on the record that  
2 Boilermakers Local 5 opposes the Champlain Hudson Power  
3 Express Line and the proposed Federal action of granting  
4 a presidential permit to construct, operate, and  
5 maintain, and connect a new electric transmission line  
6 across the U.S.-Canada border in northeastern New York  
7 State.

8 The Champlain Hudson Power Express Line, which  
9 proposes to bring a thousand megawatts of power directly  
10 from Canada to New York City, would do nothing to  
11 strengthen the State's electricity grid. Practically  
12 speaking, the transmission line is a large extension  
13 cord that would bypass all of the State's existing  
14 energy sources and transmission infrastructure, such as  
15 Upstate New York plants that have an excess of available  
16 power instead of enhancing the overall capacity and  
17 stability of New York's power grid. New York will not  
18 be able to benefit from the low cost power that those  
19 upstate plans would be producing. It will instead  
20 become completely reliant on a foreign source of  
21 electricity. Our good friends in Canada will get new  
22 jobs, and New Yorkers will get the bill.

137-01

**137-01:** The Applicant expects that the proposed CHPE Project would result in an improvement to the overall reliability of the NYISO electricity supply system. In issuing its Certificate, the NYSPSC found that "... as an additional transmission interface into the City of New York, the Project will (1) alleviate existing transmission constraints, (2) protect the security of the transmission network, (3) enhance system reliability, and (4) enhance fuel diversity."

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1           While we support an electricity highway that  
2 improves the State's energy infrastructure and generates  
3 union jobs for New Yorkers, we reject the CHPE proposal  
4 as a jobs killer. For maximum benefits to New York,  
5 especially in job retention and creation, new  
6 electricity infrastructure should support current and  
7 new in-State power generation.

137-02

**137-02:** Comment noted. Also see response to Comment 101-02.

8           New York needs to improve the transmission  
9 grid in the upstate and western regions so that in-State  
10 power could be transported more efficiently, more  
11 economically, and in greater quantity throughout the  
12 State. Investing in our transmission infrastructure  
13 will lead to new jobs being created and new  
14 opportunities for energy development throughout the  
15 State.

137-03

**137-03:** Comment noted. Development of other in-state electric power sources or other transmission lines is outside the scope of the EIS.

16           We also can't ignore the obvious. New York  
17 already has a very substantial generating capacity that  
18 could be expanded upon to meet our State's needs. New  
19 York can and should keep up with growing demand by  
20 ensuring the continued operation of our in-State energy  
21 sources and constructing new plants both upstate and  
22 downstate as necessary. There are several shovel-ready

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1 sites that are already permitted or pending permits in  
2 the Hudson Valley that could meet this demand and keep  
3 New Yorkers working and the revenue generated in State.

137-03

4 In order to have a strong 21st century  
5 economy, New York needs to build and produce products.  
6 We can no longer afford to be viewed as only consumers  
7 bearing the brunt of others' profits. Energy and  
8 manufacturing provide sustained, long-term, good paying  
9 jobs, a large portion of which are skilled union  
10 positions. These jobs enable individuals to stay in New  
11 York, raise a family, and grow the middle class. They  
12 establish the economic infrastructure for many  
13 additional jobs -- additional service jobs and power  
14 other sectors of the State's economy.

15 The New York economy needs to be energized,  
16 and the opportunities are out there waiting to be seized  
17 upon. Such is the case with the opportunity of New  
18 York's growing demand for electricity and solve  
19 transmission congestion problems by investing in our  
20 State's electrical infrastructure rather than  
21 compounding these issues with a costly outsource to  
22 Canada. For jobs and literally a brighter future, we

137-04

**137-04: Comment noted.**

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1 must act now and propose -- oppose the CHPE as an  
2 outright detriment to New York.

↑  
137-04  
↓

3 I've got a letter here from -- an open letter  
4 to the New York congressional delegation to protect New  
5 York jobs, in-State power generation, and tax dollars,  
6 and reject the Champlain Hudson Power Line. It says,  
7 "Dear member of Congress, on behalf of tens of thousands  
8 of hard-working middle class union families across New  
9 York State, we urge our members of Congress to stand up  
10 for New York jobs and oppose the Champlain Hudson Power  
11 Express Project and any subsidies for this 330-mile  
12 transmission line from Quebec to Queens. The developers  
13 of this project made a decision to propose a power line  
14 that denies access to power plants located within New  
15 York State, effectively blocking them from supplying New  
16 York City and the surrounding region in in-State  
17 produced electricity. As such, the project provides no  
18 economic opportunity for New York power generators,  
19 particularly those located in economically distressed  
20 upstate communities, which would relish the chance to  
21 supply electricity in other parts of the State." This  
22 letter was signed by the business managers or head

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1 people for Steamfitters Local 638, New York City  
2 District Council of Carpenters, Mechanical Contracts  
3 Association, Utility Workers Union of America Local 1  
4 and 2, myself, and the International Brotherhood of  
5 Electrical Workers.

6           And online today it had "Canada-Owned Company  
7 Seeks U.S. Dollars for Electric Line." "A hydro power  
8 utility company owned by the Canadian government is  
9 seeking State taxpayer money to run a transmission line  
10 down the Hudson River from Quebec to New York. It  
11 recently requested access to State money to help fund a  
12 \$2 billion project." The State's pot of money to  
13 support renewable energy projects currently comes from a  
14 utility bill surcharge on New York residents and cannot  
15 be distributed to companies from out of state, let alone  
16 out of country. You're paying for this, and they're  
17 looking to take your money north.

18           Gavin Donohue, the President of the  
19 Independent Power Producers of New York, said, "It's  
20 increasingly hard and difficult to compete as it is, and  
21 why should we compete with a foreign government? What a  
22 bad message this would send to business in New York that

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## Comment 138

42

1 we're going to support a foreign government."

2 We oppose this. I was at the meeting last  
3 night down in Stony Point. There were a myriad of  
4 issues that people brought up, so I'd like to request  
5 what they did last night, that they extend the period  
6 for comments 180 days. Thank you.

7 (Applause.)

8 MS. SMITH: Lavar Smith?

9 MR. SMITH: Good evening, everybody. Now,  
10 this is my opinion. I don't know all the statistics to  
11 this project here. I'm a 37-year-old boilermaker, union  
12 boilermaker. The power that you all see here, I built  
13 with my own hands. A lot of my brothers built these  
14 plants. We built them and we maintain them.

15 Us outsourcing our power from another country  
16 makes no sense to me. It's like everything else we  
17 manufacture, these big corporate American companies go  
18 to other countries and manufacture these things for  
19 cheaper labor, and bring them back to this country. We  
20 don't do anything but making the other countries richer,  
21 and making us a weaker economy. And we have -- there's  
22 enough technology to satisfy the EPA and everything on

137-05

**137-05:** DOE extended the Draft EIS comment period by an additional 30 days through January 15, 2014. All comments received are addressed in the Final EIS (see EIS Section 1.7.3).

138-01

**138-01:** Comment noted.

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## Comment 139

43

1 these power plants that we build. So it's to satisfy  
 2 everybody around the board.

3 We oppose it. I oppose it. And I think the  
 4 boilermakers oppose it.

5 (Applause.)

6 MS. SMITH: Jurgen Wekerle?

7 COURT REPORTER: Could you spell your name,  
 8 please, for the record?

9 MR. WEKERLE: J-U-R-G-E-N W-E-K-E-R-L-E.

10 COURT REPORTER: Thank you.

11 MR. WEKERLE: Good evening. My name is Jurgen  
 12 Wekerle. I'm a member of the Energy Committee of the  
 13 Atlantic Chapter of the Sierra Club. The position of  
 14 our committee is that the Champlain Hudson Power Express  
 15 Project is not in the national interest in its present  
 16 configuration. It also would not add to the needs for  
 17 electric generation and distribution in New York State,  
 18 and would also not be in the interest of job creation,  
 19 as mentioned by the prior speaker.

20 The State has renewable energy credits that  
 21 are designed to promote solar and wind and renewable  
 22 energy jobs in New York State. The fact that hydro

138-01

139-01

139-02

**139-01:** As stated in Section 1.4 of the EIS, the proposed CHPE Project would provide an additional source of power to southeastern New York State, which DOE has designated as a Critical Congestion Area. Southeastern New York State is also within an area designated by DOE as the Mid-Atlantic Area National Corridor, which is one of two National Interest Electric Transmission Corridors.

In issuing its Certificate for the CHPE Project, the NYSPSC found that "... as an additional transmission interface into the City of New York, the Project will (1) alleviate existing transmission constraints, (2) protect the security of the transmission network, (3) enhance system reliability, and (4) enhance fuel diversity."

Additionally, NYSPSC identified in their Certificate issued for the proposed CHPE Project in April 2013 that "the Project would serve the public interest, convenience and necessity" and "increase the reliability of the Bulk Power System in New York City [and] reduce wholesale market prices."

See response to Comment 101-02 regarding job creation.

**139-02:** Comment noted. See response to Comment 101-02 regarding job creation.

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1 power from Hydro-Quebec will be introduced into New York  
2 would, in effect, absorb all those credits and, in  
3 effect, make it impossible for those jobs to  
4 materialize. The jobs promised are miniscule and  
5 temporary on top of that.

139-02

6 The basic requirement of FERC and NAFTA and  
7 the members of the grid of which Canada and New York are  
8 a part is reciprocity. Each has to respect, honor, and  
9 trade with each other just as they would with domestic  
10 utilities and power plants. There is no reciprocity in  
11 this case. There is no mutual access to the transition  
12 -- to the transmission lines. There is no ability to  
13 trade back and forth. New York power producers cannot  
14 use the cable to transmit electricity within New York  
15 State. They definitely cannot use the cable to sell  
16 electricity into Canada. The design of the cable is  
17 kind of like exclusionary zoning. It's a one way DC  
18 cable that starts in Canada, crosses the border, and has  
19 an exit converter station in Queens in New York City at  
20 this point. And a lot of these arrangements have  
21 changed radically from the initial presentation of the  
22 plan.

139-03

**139-03:** In its Certificate authorizing the proposed CHPE Project, the NYSPSC concluded that “The Project satisfies a need by providing additional transmission capacity into the New York City load pocket and an additional source of supply – hydroelectric power – that is both renewable and relatively stable in price, enhancing the fuel diversity in the City. Moreover, by allowing a new entrant into the New York City market, approval of the Project would advance our policy favoring competition. Finally, the Project advances State policies by enabling access to a source of clean energy supply.”

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1           It's a de facto exclusion. It's not legal,  
2 but it's just that you can't get access to it. There  
3 are no entry points. There are no access points in New  
4 York State. The fact that there is a one way cable  
5 promotes unfair competition for Canadian subsidized  
6 electricity into the New York City metro market. It  
7 subsidizes that electricity to the detriment of  
8 electricity produced in New York, especially when the  
9 New York independence systems operator auction system is  
10 accounted for. Their electricity tranches are auctioned  
11 off from lowest bid to highest bid, but the highest bid  
12 pays all other bids that -- at that level. Subsidized  
13 electricity, including Indian Point, by the way, can bid  
14 low and they're going to be rewarded three, four, five  
15 times of what their bid is just based on the mechanism  
16 of that auction system.

17           All transmission systems should be integrated  
18 into the existing grid. This cable does not do that.  
19 There are constraints. There are congestion corridors  
20 in New York, especially where we are here from Utica to  
21 Albany to Poughkeepsie. The cable makes no effort to  
22 remedy that congestion. It leapfrogs over that

139-03

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1 congestion. It doesn't include itself in the grid. It  
2 bypasses the problem.

3           There are design changes that could remedy  
4 that and could remedy the access for trade back and  
5 forth, and that is to construct a converter station  
6 right here in the Albany area. This is kind of like the  
7 Times Square of transmission corridors from Buffalo,  
8 from Messina, to Utica, to Albany, and down the Hudson  
9 into the metro market. That is not part of the plan.  
10 That was suggested at the initial hearings and was  
11 rejected.

139-03

12           The claim of the cable is that it'll improve  
13 reliability for consumers and rate payers in New York  
14 State. Reliability in this case is really a function of  
15 the producer, and the cable does not own or produce the  
16 electricity. Hydro-Quebec does. And that is an  
17 unreliable source, especially since if Quebec re-routes  
18 that electricity or the seasonality factor, if they need  
19 it for their own use, if there's a drought and it's not  
20 available, there is no ability for New York-produced  
21 electricity to make up the deficit if that changes or if  
22 the contracts change. Who knows?

139-04

**139-04:** Comment noted. See response to Comment 139-01 regarding the proposed CHPE's effect on reliability. The source of power to be transmitted through the proposed CHPE Project is outside the scope of the EIS.

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1           Part of the flaw is in the NEPA EIS to begin  
 2 with, which only evaluates the project from the Canadian  
 3 border to the exit point in New York. It doesn't  
 4 include the entire project, just at mid-point south, so  
 5 the problem of the supply of electricity, which is  
 6 really paramount. You know, we focus here on the  
 7 engineering of the -- of the cable itself, the physical  
 8 cable. The big issue, though, is what the cable is used  
 9 for, and that's to transmit electricity. We should be  
 10 focusing on the electricity. It's kind of like having a  
 11 great computer system. We're evaluating that, except  
 12 we're only going to evaluate half the computer system,  
 13 and we're going to totally ignore the software that  
 14 controls the whole thing. That's what we're facing with  
 15 here.

16           The converter station in Albany, for instance,  
 17 and other converter stations in between the line would  
 18 actually ensure the reliability, and would also remedy  
 19 all of the problems with the cable as it currently is.

20           NEPA requires need evaluations. That was not  
 21 done in the EIS. There are four power plants in the  
 22 lower Hudson that are closed. They were producing full

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139-05

**139-05:** See response to Comment 133-01 regarding analysis of potential impacts in Canada.

139-06

**139-06:** Comment noted. Construction of additional converter stations in Albany or other locations along the transmission line route are not consistent with the Applicant's objectives (see EIS Section 1.4).

139-07

**139-07:** As presented in Section 1.2 of the EIS, the purpose of and need for DOE's Proposed Action is whether to issue a Presidential permit for the proposed transmission line crossing of the U.S. international border (i.e., proposed CHPE Project). Continued operation or development of other new in-state power sources or transmission lines is not the subject of the application for a Presidential permit and, therefore, is outside the scope of this EIS.

1 power. We were using that power. They are not needed.  
2 They are not pumping out electricity. The Lovett Power  
3 Plant has been bulldozed. There are two power plants  
4 upstate, Cayuga and Dunkirk. They were petitioned --  
5 the Public Service Commission was petitioned to mothball  
6 those two plants by the owners because they were losing  
7 money. They're selling no more than 25 percent of their  
8 capacity, and the two utilities, NYSEG and National  
9 Grid, both submitted documents that they could replace  
10 that power through upgrading the transmission lines  
11 themselves.

12 Indian Point is pumping out at full speed, but  
13 they're selling three-quarters of their electricity, not  
14 to New York, not to New York City, not to Westchester,  
15 but to Connecticut. We have this existing capacity that  
16 is not used. We really don't need more capacity. Above  
17 and beyond that, we have two power plants that are  
18 approved, one outside of Middletown in the town of  
19 Wawayanda and the other in Cricket Valley in Dover in  
20 Dutchess County. They're approved, but they have no  
21 funding to build them because there's no customers to  
22 buy the electricity and pay for it.

139-07

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1           We have Athens Power Plan right down the road  
2 here on the Hudson. It's a new gas fire plant. It's  
3 only eight years old. They are in financial trouble  
4 because they are not able to sell their electricity.  
5 They also are not able to get through the blockages in  
6 the congestion zone I previously mentioned. They have  
7 put in an application for a cable from Athens down to  
8 Buchanan to hook into the Con Ed lines on the other side  
9 of this congestion area. That is not taken into  
10 consideration in this EIS. The two new power plants are  
11 not mentioned in the EIS. The four power plants that  
12 are out of commission are not mentioned in the EIS.

13           Not mentioned also is the role of the Marcy  
14 South power line owned by the New York Power Authority.  
15 That brings all kinds of renewable energy -- Niagara  
16 Falls, Messina Energy -- into the metropolitan area  
17 right now. And the big thing is the energy highway  
18 blueprint that we talk about that the Public Service  
19 Commission staff indicates when they reviewed the  
20 application of the cable, that that would only be a  
21 promise, not a reality. They indicated that the cable  
22 would not improve the grid. It would leapfrog over it,

139-07

139-08

**139-08:** Comment noted.

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1 but at least it would supply it with their money, and  
2 that's changed also, supply electricity into the metro  
3 area that is not currently available. And  
4 theoretically, the extra supply would lower the cost to  
5 consumers, and that isn't going to happen either.

139-08

6 The big news that never made headlines, or  
7 reported on, or press releases was in -- on September 18  
8 in the legal section was announced the first step of the  
9 energy highway implementation. Applications had been  
10 made to the Public Service Commission by the big five  
11 utilities that control the transmission lines from  
12 National Grid, Central Hudson, NYSEG, Con Ed, Orange and  
13 Rockland, plus the Power Authority, to do a combined  
14 joint upgrade of this whole transmission corridor. The  
15 efficiencies on an industry-wide, utility-wide scale  
16 would diminish the need for new generation and diminish  
17 the need for existing generation, including the obsolete  
18 plants. And there's a cost benefit to that.

139-09

**139-09:** See response to Comment 139-07.

19 What that would do is unblock this congestion  
20 that's here and would obviate the need for the power  
21 plant at Athens and definitely obviate the need for the  
22 cable from Montreal down into the city. The blockages

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1 would disappear. The energy would be available that  
2 isn't available in a free flow capacity now, and the  
3 price would be diminished twofold: the price based on  
4 the efficiencies of the new technology that would take  
5 place, including the new substations, would lower the  
6 price, and the ability of getting the lower price hydro  
7 power from Messina, Niagara Falls, in quantity into the  
8 lower New York region would also diminish the prices.  
9 The cable would not do any of that, nor would new  
10 construction.

139-09

11 An example that we have of efficiencies on a  
12 utility-wide scale is what happened with the Lovett  
13 Power Plant in Rockland County. Lovett was under a  
14 consent decree because of non-compliance with air  
15 emissions. And they instead, because they're losing  
16 money, they would never be able to recoup any capital  
17 investment to improve the emissions. They petitioned to  
18 go out of business. They had to show replacement power.  
19 The replacement power, just by chance unrelated, was  
20 the upgrade that Con Ed did to the Orange and Rockland  
21 utilities, which they had just purchased, including a  
22 new substation the -- with state-of-the-art digital

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1 computer electricity flow management systems.

2           That efficiency made up for the production  
3 loss of Lovett. Lovett was replaced not with new  
4 generation, but with efficiency. And that's what we're  
5 looking forward to with all of the major transmission  
6 upgrades. The grid modernization that's been talked  
7 about for the last 20 years as a priority is starting to  
8 take place. And Lovett has since been bulldozed.

9           The issue last night that was mentioned in  
10 Rockland was the change in the design of the cable  
11 itself. Initially, the electricity was to have been  
12 generated by the free-flowing stream in Labrador, the  
13 lower Churchill Falls Project. That was changed to  
14 Hydro-Quebec, which has an uneven flow and currently  
15 does not have existing capacity to satisfy the full need  
16 of -- if they sold all their electricity to the city or  
17 the Lower Hudson.

18           Another major change was the overland route  
19 through Rockland County. It's confusing why that route  
20 was chosen other than to satisfy the need of some of the  
21 interveners, who were protective of the fish habitat in  
22 Haverstraw Bay. It seems that both could be satisfied

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139-10

**139-10:** The source of the electrical power to be transmitted through the proposed CHPE Project is outside the scope of the EIS.

139-11

**139-11:** The Haverstraw Bay Alignment, a previously proposed component under which the transmission line would have been installed in the Hudson River through Haverstraw Bay rather than on land in Rockland County, was initially proposed by the Applicant in its 2010 Article VII application to the NYSPSC. Based on consultations with applicable regulatory agencies and other stakeholders including the NYSDEC and the NYSDOS's Coastal Zone Management (CZM) Program, a terrestrial route through Rockland County that avoided Haverstraw Bay was selected for approval as part of the NYSPSC Certificate and the CZM Consistency Determination issued for the proposed CHPE Project (see EIS Section 2.3.1). Therefore, this previously proposed component is not part of the proposed CHPE Project route as approved in the NYSPSC Certificate, and was not analyzed further in the EIS.

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1 by relocating that project. However, the overland route  
 2 is going to create all kinds of cumulative impacts in  
 3 Rockland County, which were never revealed, never  
 4 studied, never evaluated in the EIS. Not only should  
 5 the EIS deadline for comments, or the draft EIS, be  
 6 extended six months, there should be a supplemental EIS  
 7 to include the change of the plans, the routes. There's  
 8 a three-mile change in Queens that hasn't really been  
 9 covered in the EIS. There's been no input. There's  
 10 been no scoping on any of that.

11 There should be a supplemental to include  
 12 that, including the entire power needs generation  
 13 consumption patterns in New York, the fact that  
 14 electricity has been in decline in terms of consumption.

15 We know that electricity is coming into New York from  
 16 importation. We know that the energy service companies  
 17 are supplying over a million households in New York, and  
 18 that doesn't reveal itself on the -- on the books of  
 19 where that's coming from or what impact, but we do know  
 20 that power produced by New York State power plants has  
 21 gone down, and we're not totally sure why.

22 And we know that there are efficiencies in

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139-11

139-12

139-13

139-14

139-15

**139-12:** Section 5.3 of the EIS provides a full analysis of the potential environmental impacts associated with installing the buried transmission line on land through Rockland County. Chapter 6 of the EIS presents a cumulative impact analysis that addresses the potential impacts associated with implementation of the proposed CHPE Project in combination with other proposed projects in Rockland County within the CHPE Project's region of influence.

**139-13:** See response to Comment 137-05.

**139-14:** The approximately 3-mile underground HVAC transmission line segment that would connect the Astoria Annex Substation to the Rainey Substation in Astoria, Queens was approved as part of the NYSPSC Certificate issued in April 2013, and is addressed in Section 5.4 of the EIS.

**139-15:** The NYSPSC determined there is a need for the proposed CHPE Project through the issuance of the Certificate of Environmental Compatibility and Public Need for the CHPE Project, which identified that "the Project would serve the public interest, convenience and necessity" and "increase the reliability of the Bulk Power System in New York City [and] reduce wholesale market prices." See also responses to Comments 139-03 and 806-01. Evaluation of electricity consumption patterns in New York State is outside the scope of the EIS.

1 place. We know net metering and remote net metering  
2 have an impact. We know that the renewables are the  
3 future with job creation in the State. We know that the  
4 absorption of the renewable energy credits is a  
5 detriment to our own job supply here. We know that the  
6 impact of the energy highway actually being implemented  
7 is probably the biggest single event regarding energy  
8 generation, and distribution, and efficiency that will  
9 be on an industry-wide, utility-wide scale that we can't  
10 comprehend. We talk about efficiency. Normally it's  
11 replacing light bulbs. We're not talking about that.  
12 We're talking about transmission systems that replace  
13 whole power plants.

14 Lovett is our example. Cayuga and Dunkirk  
15 Power Plants are next in line. The utilities have done  
16 their engineering studies, the electricity production  
17 flow. And the \$30 million to replace and realign the  
18 power lines that are required would no longer require  
19 \$600 million each for two plants. Those are the  
20 realities that we have to deal with. We are in a whole  
21 new energy world. We have to adapt to that.

22 This cable -- the technology of the cable is

139-16

**139-16:** Use of conservation, demand management, or other power generation sources, and development of other in-state electric power sources or other transmission lines is outside the scope of the EIS.

See response to Comment 139-01 regarding the reason that the New York City metropolitan area is the end-user for the CHPE Project as proposed by the Applicant.

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1 excellent, by the way. This is the one thing. It's the  
2 wrong project, but the right technology. And that  
3 technology should be employed if we are really future  
4 looking in not just New York State, but the Federal  
5 government has released information that they want a  
6 whole grid upgrade in the whole east of the Mississippi.

7 And the DC cable underground system, this would be a  
8 good example for a backbone system from Buffalo, to  
9 Albany, from Messina to Utica, for both down into the  
10 metropolitan area, which would also service Connecticut  
11 and New Jersey and eastern Pennsylvania. We're all part  
12 of that same economic and use configuration. A DC  
13 current perhaps owned and operated by the New York Power  
14 Authority, our single largest utility, in conjunction  
15 and partnership with the utilities, the five that I  
16 mentioned before, who have jurisdiction within their  
17 service territories.

18 But I think that is the thing. This cable has  
19 too many deficits as it's -- as it is currently  
20 presented. And again, the biggie is there is no access.  
21 There is no ability to use it. There's no grid  
22 improvement. But the grid improvement is taking place

-139-17

**139-17:** Comment noted. See responses to Comments 139-01 and 814-02.

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1 anyway. When that happens, the cable will not be  
 2 needed. Thank you very much.

139-17

3 Also I submitted comments at the scoping  
 4 sessions. It's been over three years; I can't believe  
 5 it. And almost all of the comments submitted were  
 6 ignored in the EIS. So what I'd like to do is resubmit  
 7 those same comments. I'd like to give you a map. This  
 8 is the map from the developer, from TDI. And it shows  
 9 the initial plan and the initial source of the energy.  
 10 And it shows how easy it would be to put that converter  
 11 station right here in the Albany area on ground that  
 12 would service the whole State, and the ability of  
 13 hooking up an east-west connection, which was also  
 14 discussed. And the developers are very good at bringing  
 15 that to their financial supporters as a possibility.

139-18

139-19

16 But the object of the cable is not to improve  
 17 our grid, is not to increase the flow of commerce within  
 18 New York State. It's to provide a one-way protected  
 19 route of Hydro-Quebec electricity into the largest  
 20 consumption market in North America. That is the goal,  
 21 not to help the grid and the distribution.

139-20

22 Also I'm including a public notice. There has

**139-18:** The comments referenced in this comment were submitted during the initial public scoping for the proposed CHPE Project in 2010, and are included in Comment 712. These scoping comments were considered during development of the EIS. The comments raised have been either addressed in Section 2.5 of the EIS (Alternatives Analysis) or regard use of conservation, demand management, or other power generation sources, and development of other in-state electric power sources or other transmission lines, which are outside the scope of the EIS.

**139-19:** See response to second paragraph in Comment 139-06.

**139-20:** Comment noted.

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1 been no press release. I'm surprised the Governor has  
2 not taken full credit for his energy highway blue print  
3 plan. But in here it shows all various projects that  
4 the big five utilities are doing jointly with NIPA.  
5 There are three or four other transmission -- merchant  
6 transmission companies with their own projects above and  
7 beyond what's in here. But this gives a real good idea  
8 of how comprehensive this grid upgrade is going to be,  
9 and unblock all of the congestion that's been bedeviling  
10 us, raising prices, and preventing the free flow of sale  
11 and consumption of electricity.

139-21 **139-21:** See response to Comment 139-07.

12 The NYSEG, for instance, New York State  
13 Electric and Gas, needs electricity supply in their  
14 Kingston service area. They're dependent on National  
15 Grid and Central Hudson for the transmission lines.  
16 They have put a proposal in for a 58-mile buried cable  
17 down the thoroughway, just like Athens has put their  
18 submarine cable proposal in because they cannot access  
19 the current grid themselves, and they cannot access the  
20 Champlain Hudson Power Express cable either, which would  
21 solve both of their problems if the connectivity were  
22 put in place.

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## Comment 140

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1           So let me give that to you with the initial  
2   comments from August 2nd of 2010. The criticisms of  
3   then are as valid today as they were when they were  
4   originally written. Thank you very much.

5           (Applause.)

6           MS. SMITH: Susan Lawrence?

7           MS. LAWRENCE: I want to thank Jurgen Wekerle  
8   who has great expertise in this area for speaking in  
9   such detail and so eloquently about what the issues are  
10   and what needs to be done. I'm Susan Lawrence. I'm the  
11   Conservation Chair of the Atlantic Chapter, which is New  
12   York State, of the Sierra Club, and work closely with  
13   Jurgen and other people so concerned about this.

14           First of all, Jurgen said it, and I think  
15   others may have asked for it. We'd like to have a 180-  
16   day extension of the time to make comments on this EIS.  
17   It's very complex and very lengthy. And I think people  
18   need to have time to have -- themselves to look it over  
19   and to have experts look it over for their  
20   recommendations about what needs to be done.

21           I'd just emphasize again the line -- this  
22   proposed line is not in the U.S. national interest. It

140-01

140-02

**140-01:** See response to Comment 137-05.

**140-02:** As stated in Section 1.4 of the EIS, the proposed CHPE Project would provide an additional source of power to southeastern New York State, which DOE has designated as a Critical Congestion Area. Southeastern New York State is also within an area designated by DOE as the Mid-Atlantic Area National Corridor, which is one of two National Interest Electric Transmission Corridors. Additionally, NYSPSC identified in their Certificate issued for the proposed CHPE Project in April 2013 that “the Project would serve the public interest, convenience and necessity” and “increase the reliability of the Bulk Power System in New York City [and] reduce wholesale market prices.”

See response to Comment 139-07 regarding in-state power sources and transmission lines.

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1 displaces New York State jobs that provide -- that  
2 produce, transmit, and provide electricity. It would  
3 only create 26 long-term jobs in New York State. We  
4 need to have jobs for greatly increased renewable energy  
5 produced within New York State and transmitted within  
6 New York State. We need to be sustainable for our  
7 national security in terms of energy, and we don't need  
8 this one-way line coming down from Canada that we can't  
9 hook into.

140-02

10 Our emphasis for the future has to be on  
11 conservation and efficiency, and including efficiency  
12 with our electricity production and transmission, and  
13 that's all -- New York State is working on this now.  
14 There are a lot of plans in the work, a lot of work that  
15 has been done, a lot for the future. And this proposal  
16 is, to me, out of line with what New York State needs to  
17 do. We need a long-term sustainable economy, and we  
18 shouldn't rely on flooding vast lands of native people  
19 in Canada to produce our electricity. Thank you very  
20 much.

140-03

**140-03:** As presented in Section 2.5.3 of the EIS, conservation, demand management, or use of other power generation sources by themselves were not considered reasonable alternatives to the proposed CHPE Project.

21 (Applause.)

22 MS. SMITH: I wanted to invite Mr. Ramon

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## Comment 141

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1 Figueroa again, if he would like to speak.

2 (No response.)

3 MS. SMITH: Okay. Is there anyone else here  
4 that either has walked in or while you're sitting has  
5 considered speaking? Please step forward and you'll  
6 have the opportunity to speak now. And please give us  
7 your name.

8 MR. WILCOX: Sure. I'm Phil Wilcox. I'm with  
9 the International Brotherhood of Electric Workers Local  
10 97. Most of what I have to say is redundant. We are  
11 part of a group of 15,000 IBW utility workers, and we  
12 feel a significant threat from the Champlain Hudson  
13 project. And we feel that the project --

14 COURT REPORTER: Could you use the microphone?

15 MR. WILCOX: Sure. The project was initiated  
16 prior to the Governor's energy highway initiative, and  
17 we think that that process renders this obsolete. So we  
18 are totally opposed to CHP. Thanks.

19 (Applause.)

20 MS. SMITH: Are there any other interested  
21 speakers?

22 (No response.)

141-01

**141-01: Comment noted.**

141-01

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1           MS. SMITH: All right. With that, we thank  
2 you for your time, and this hearing is adjourned.

3           (Whereupon, at 7:13 p.m., the meeting was  
4 adjourned.)

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3 CHAMPLAIN HUDSON EXPRESS TRANSMISSION

4 TRANSMISSION LINE PROJECT

5

6 DOE EIS PUBLIC HEARING

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14 Wednesday, November 20, 2013

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18

19

20 West Side Ballroom

21 253 New York Road

22 Plattsburgh, New York 12903

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PARTICIPANTS

AGENCY REPRESENTATIVES/HEARING OFFICERS:

BRIAN MILLS

JULIE SMITH

JODI MCDONALD

PUBLIC PARTICIPANTS:

WILLIAM WELLMAN

JEFFREY KELLOGG

JOHN DONOGHUE

BEN MAINVILLE

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(6:05 p.m.)

and get seated. We've got a lot of room down front. My

Before we get started with the hearing, I'd like to open

Those folks who would like to make verbal

back of the room. A stenographer will be recording all

the microphones being provided for this purpose.

would like to hand over tonight can be submitted at the

that, we can get started with the hearing.

Smith, and I'd like to thank you for taking your time

work for the Department of Energy in the Office of

with Jodi McDonald from the U.S. Army Corps of

1 Engineers, will be the hearing's officers today.

2           The reason that we are here is the Champlain

3 Hudson Power Express is proposing to construct an

4 international transmission line. They've asked the

5 Department of Energy for a presidential permit. A

6 presidential permit is needed before any transmission

7 line can be built across the U.S. international border.

8 DoE determined that an environmental impact statement

9 would be the appropriate level of analysis for this

10 presidential permit.

11           This is a public hearing on the Champlain

12 Hudson Power Express Transmission Line Project draft

13 Environmental Impact Statement. Now, that's a mouthful,

14 so I'm going to shorten that and say draft EIS. Once we

15 begin the hearing, we will hear from you in the order

16 that you've signed up. If you wish to speak but haven't

17 signed up, you can sign up at the registration table in

18 the back of the room.

19           For those of you who may not be familiar with

20 the process we go through in preparing an environmental

21 impact statement or EIS and where we are for this

22 particular project in that process, I'll cover some

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1 steps for you. Although I'm sure you've all read the  
2 draft EIS available on our EIS website, you can also  
3 find more detailed information for the process and this  
4 project on that website.

5           The first step in the process, we start  
6 public participation by issuing a Notice of Intent to  
7 Prepare an EIS. For this project, DoE issued our Notice  
8 of Intent on June 18th, 2010, and an amended notice on  
9 April 30th, 2012. The Notice of Intent begins a process  
10 we call scoping, which is an opportunity for the public  
11 to tell us their issues and concerns related to the  
12 project. We use this input to help us prepare the draft  
13 EIS. If you commented during the scoping period, we  
14 used your scoping comments to determine which  
15 alternatives and issues we needed to address.

16           The next step in the process is then to  
17 prepare a draft EIS. The draft EIS analyzes the  
18 foreseeable environmental impacts that might result from  
19 DoE granting the permit. The draft EIS also identifies  
20 steps that might be needed to mitigate impacts. For  
21 this project, we issued the draft EIS on October 21st,  
22 2013. After we issue a draft, we ask the public to

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1 comment on it during a public comment period. The  
2 Environmental Protection Agency, or EPA, opens the  
3 comment period by publishing a Notice of Availability in  
4 the *Federal Register*. The EPA Notice of Availability  
5 for this draft EIS was in the *Federal Register* on  
6 November 1st, 2013.

7           Since this is where we are at in the process,  
8 I'm going to cover the public comment period a little  
9 bit more thoroughly. The comment period gives you an  
10 opportunity to tell us any changes that you would like  
11 to see in the draft EIS, what you think is wrong about  
12 the document and how you think we should fix it. We are  
13 also looking for issues that you think we missed or  
14 didn't cover as well as we should.

15           If you ask questions as part of your  
16 comments, we will not be able to answer your questions  
17 today, but we will do so in the final Environmental  
18 Impact Statement. It's also very helpful for your  
19 comments to cite specific sections or page numbers from  
20 the document itself. None of this is required, but it  
21 will help us to understand your comments.

22           During the hearing, the hearing's officers

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1 may ask you questions to allow you to clarify points  
2 you're making. Whether you choose to speak or not, you  
3 are invited to submit written comments. Instructions to  
4 do so are provided on the board at the back of the room  
5 or are available on the registration table. All  
6 comments, whether written or oral, are treated the same  
7 and have equal weight.

8           For this draft EIS, we will continue to  
9 accept comments until December 16th, 2013. To the  
10 extent that we can, we will also consider your comments  
11 submitted after that date. After the close of the  
12 comment period, we will write the final Environmental  
13 Impact Statement, which considers your comments. The  
14 final EIS will contain a comment response document that  
15 addresses comments that we receive on the draft EIS.  
16 When completed, the EPA will issue a Notice of  
17 Availability of the final EIS in the *Federal Register*,  
18 and again, we will post the document on the EIS website  
19 and send it out to the mailing list. No sooner than 30  
20 days after the EPA lets all of you *Federal Register*  
21 readers know the final EIS is out there, DoE may issue a  
22 Record of Decision on the presidential permit

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1 application. I hope that this overview -- this very  
2 general overview of the process is helpful.

3 I'd also like to mention a couple of other  
4 things about the draft EIS and this project. The  
5 Department of Energy has the authority to permit the  
6 border crossing. The U.S. Army Corps of Engineers  
7 issues Clean Water Act permits. The State of New York  
8 has authority to cite transmission lines in New York  
9 State. Several other Federal and State agencies are  
10 working with DoE and the Corps in preparing the draft  
11 EIS, including the U.S. Environmental Protection Agency,  
12 the U.S. Fish and Wildlife Service, U.S. Coast Guard,  
13 the New York State Department of Public Service, and New  
14 York State Department of Environmental Conservation.  
15 These are all cooperating agencies in the preparation of  
16 the draft EIS.

17 While that's a lot to remember, so what you  
18 need to remember for this hearing are the following  
19 three points. First, comments received on the draft EIS  
20 will be included in the final EIS, and we will respond  
21 in the document to the comments received. Two, comments  
22 expressed at one of our hearings or provided to us by

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1 email or letter will all be considered equally. And  
2 three, the comment period for the draft EIS closes on  
3 December 16th, 2013.

4 I'll now turn this over to our hearing's  
5 officer, Jodi McDonald, from the U.S. Army Corps of  
6 Engineers.

7 MS. MCDONALD: Thank you, Julie. I am Jodi  
8 McDonald, Chief of the Regulatory Branch for the New  
9 York District of the United States Army Corps of  
10 Engineers. I will be the presiding officer on behalf of  
11 the Corps of Engineers at today's public hearing.

12 The Corps of Engineers is here today to  
13 collect evidence and information, ensure coverage of  
14 core concerns, to assist in the regulatory review of a  
15 permit application by Champlain Hudson Power Express,  
16 Incorporated for the installation and construction of a  
17 336-mile power cable from the Canadian border through  
18 waters of the United States, including Lake-- including  
19 wetlands, as well as Lake Champlain, the Hudson River,  
20 Harlem River, and East River. The U.S. Department of  
21 Energy as lead Federal agency will make a decision  
22 whether to issue a presidential permit to allow for the

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1 border crossing -- the U.S. border crossing to  
2 facilitate operation of this power cable.

3           The Corps of Engineers is neither a proponent  
4 for nor an opponent of the proposed work. Our role is  
5 to determine whether the proposed activity-- in this  
6 case the installation of a power line in waters of the  
7 United States -- is in the overall public interest.  
8 This hearing will play an important part in that  
9 determination.

10           Please understand that we do not expect to  
11 answer questions from the dais in this hearing related  
12 to the proposal as we are here to obtain information and  
13 your comments. Questions on the regulatory process in  
14 general can be directed to my staff in the back of the  
15 room today.

16           The New York District has issued a public  
17 notice for this project with the comment period closing  
18 on December 16th, 2013. That public notice is currently  
19 posted on my -- on the New York District website. The  
20 website address is [www.nan.usace.army.mil](http://www.nan.usace.army.mil), as in  
21 "military." We do have some copies available on the  
22 registration table as well. If you are not currently on

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## Comment 142

11

1 our public notice email distribution list and would like  
2 to receive an announcement for public notices from my  
3 office, please provide your email address to one of our  
4 staff members at the registration table today.

5 And with that, I will open the public  
6 hearing.

7 (Pounding of gavel.)

8 MS. SMITH: Our first speaker this evening is  
9 William Wellman.

10 MR. WELLMAN: Good evening. I'm Bill  
11 Wellman. I live in Plattsburgh, and I am the New York  
12 State Council of Trout Unlimited's representative to the  
13 Champlain Hudson Mitigation Committee, Governance  
14 Committee. And in that role, I have been part of the  
15 proceeding before the Public Service Commission in New  
16 York State, I think, since the inception of this  
17 project, at least in its proceedings there.

18 The EIS drafted by the Department of Energy  
19 mirrors in large part the findings that took place  
20 before the Public Service Commission. In that  
21 proceeding, the parties to the proceeding evolved a very  
22 comprehensive, detailed, and systematic look at all of

142-01 142-01: Comment noted.

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1 the environmental concerns that this project would bring  
2 to New York State. We looked at everything from  
3 sturgeon to snails as far as the impact on the  
4 environment, and Lake Champlain, the passage around  
5 Albany, and the Hudson River. As I say, that was a very  
6 comprehensive and detailed review.

142-01

7 That review was conducted by a number of  
8 parties, including the New York State Department of  
9 Environmental Conservation, the Department of State,  
10 other New York State agencies, the proponents of the  
11 project, and conservation organizations, such as Trout  
12 Unlimited, Hudson River Keeper, and Scenic Hudson.

13 At the conclusion of our review, we drafted a  
14 paper, which became known as the JP, and that was  
15 submitted to the Public Service Commission and detailed,  
16 in great extent, the best management practices, the  
17 timing, the environmental protections, all of the things  
18 that would go into protecting the environment while this  
19 project was being built; not only while it was being  
20 built, but in its subsequent operation.

21 That joint proposal also included and  
22 includes the provision of a mitigation fund of \$117

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1 million, which will be paid during the 35-year lifespan  
2 of this project. That mitigation fund will be used to  
3 correct any things that were overlooked in this  
4 proceeding, and will be used for the general well-  
5 keeping of the environment and Lake Champlain, the  
6 Hudson, and all the waters surrounding New York City  
7 where the project will have an impact.

8 As I said earlier, the findings in the EIS  
9 mirror this project that we went through with the Public  
10 Service Commission and resulting in the joint proposal.

11 Therefore, I must say that environmental protections  
12 contained therein and in the EIS appear to Trout  
13 Unlimited not only to be sufficient, but to be  
14 comprehensive, and will protect New York State's  
15 environment.

16 So in conclusion, I would state that I think  
17 the project, and my organization does, is good for New  
18 York State. It's good for the employees and people of  
19 New York State that get electricity from the project,  
20 and it will protect the environment. Thank you.

21 (Applause.)

22 MS. SMITH: Jeffrey Kellogg?

- 142-02 **142-02:** Comment noted.

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## Comments 143 and 144

14

1 MR. KELLOGG: Good evening, folks. My name  
2 is Jeff Kellogg. I represent the Operating Engineers,  
3 which are heavy equipment operators. This project  
4 covers probably two-thirds of our territory. It will  
5 put a lot of our men and women to work. And we want to  
6 go on record stating that we fully endorse this project.  
7 That's it.

143-01 143-01: Comment noted.

8 MS. SMITH: Thank you.

9 (Applause.)

10 MS. SMITH: John Donaghue?

11 MR. DONOGHUE: Good evening. John Donoghue,  
12 Business Manager, Labor's Local 186. Our territory goes  
13 from the Canadian border all the way down to the Hudson  
14 River in Warren County. The 300 members, some of which  
15 my brothers and sisters are here tonight in the  
16 audience, we fully support this. We're looking forward  
17 to the jobs created by it, tax savings, environmentally  
18 friendly like we heard before. And the rest of the  
19 members that couldn't be here tonight wish to endorse  
20 this also. Thank you.

144-01 144-01: Comment noted.

21 (Applause.)

22 MS. SMITH: Thank you. Ben Mainville?

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## Comment 145

15

1 MR. MAINVILLE: Hi. I'm Ben Mainville, and  
2 I'm representing the Local Union 186, and if it creates  
3 jobs for us, I don't see why-- and it doesn't destroy  
4 the environment. I'm all for this project. As long as  
5 we keep the environment the way it is and it doesn't  
6 disturb it, there's not a problem. And I hope it  
7 creates more jobs that we need in this area and for a  
8 long period of time. Thank you very much.

- 145-01 **145-01:** Comment noted.

9 (Applause.)

10 MS. SMITH: That actually concludes the list  
11 of folks that have registered to speak here at the  
12 public hearing tonight. But I would like to open it up  
13 to the folks on the floor. If you have not signed up to  
14 speak, but you feel compelled to do so at this time,  
15 please come forward and make your comment.

16 (No response.)

17 MS. SMITH: All right. Well, with that, this  
18 hearing is adjourned.

19 (Whereupon, at 6:21 p.m., the meeting was  
20 adjourned.)

21

22

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## Comment 201



## United States Department of the Interior

OFFICE OF THE SECRETARY  
Office of Environmental Policy and Compliance  
15 State Street – Suite 400  
Boston, Massachusetts 02109-3572



December 12, 2013

9043.1  
ER 13/689

Mr. Brian Mills  
Office of Electric Delivery and Energy Reliability  
U.S. Department of Energy  
1000 Independence Avenue, SW  
Washington, DC 20585

**RE: COMMENTS**  
**DEIS Champlain Hudson Power Express Transmission Line Project**  
**New York**

Dear Mr. Mills:

The U.S. Department of the Interior (Department) has reviewed the Draft Environmental Impact Statement (DEIS) for the Champlain Hudson Power Express Transmission Line Project (Project) dated September 2013. The applicant, Champlain Hudson Power Express, Inc. (CHPE), proposes to construct an approximately 336-mile (541-kilometer [km]) long, 1,000-megawatt (MW), high-voltage direct current (HVDC) electric power transmission system that would route from the U.S./Canada border to Astoria, Queens, New York. The overall Project purpose is to transmit electricity from Canada to markets in New York City. The U.S. Department of Energy (DOE) is considering an application for a Presidential Permit for this Project.

The Department's U.S. Fish and Wildlife Service (Service) has contributed the following comments on the DEIS pursuant to, and in accordance with, provisions of the National Environmental Policy Act (42 U.S.C. 4321 et seq.), Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.), Bald and Golden Eagle Protection Act (54 Stat. 250, as amended; 16 U.S.C. 668-668d), and the Migratory Bird Treaty Act (MBTA) (40 Stat. 755; 16 U.S.C. 703-712). The Service previously provided comments to DOE on the Preliminary EIS for this Project in a letter dated February 5, 2013, and may provide additional comments on this Project under the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.) or other legislation, as applicable.

The proposed CHPE Project involves the construction and installation of two HVDC lines within a primarily underwater and underground corridor, although some specific Project components of

the transmission system, including various cooling equipment and a converter station, would be aboveground. There are four segments to the Project, Lake Champlain, Overland Route, Hudson River, and New York City Area.

#### COMMENTS

##### Federally-Listed Endangered, Threatened, and Concern Species

Federal agencies have responsibilities under Section 7(a)(2) of the ESA to consult with the Service regarding projects that may affect Federally-listed species or designated critical habitat. We understand that the DOE is currently developing a Biological Assessment (BA) to analyze the impacts to the Federally-listed endangered Indiana bat (*Myotis sodalis*) and Karner blue butterfly (*Lycaeides melissa samuelis*). The DOE has preliminarily determined that the proposed Project may affect, but is not likely to adversely affect (NLTA), these species. However, the DEIS includes statements such as, "Potential non-significant effects from vegetation management include habitat degradation via removal, crushing, or other disturbances to protected species and their habitat," which would not support an NLTA determination. The DEIS also states that "A vegetation management plan for the operational phase would be developed and included in the EM&CP." Please note that the DOE and the Service will need to assess the potential impacts of vegetation management during the consultation process.

201-01

The DOE has also preliminarily determined that the proposed Project will result in no impacts to the Federally-listed endangered piping plover (*Charadrius melodus*) or roseate tern (*Sterna dougallii*), the Federally-listed threatened northern wild monkshood (*Aconitum noveboracense*), bog turtle (*Clemmys* [= *Glyptemys*] *muhlenbergii*), or the Federal candidate for listing, New England cottontail (*Sylvilagus transitionalis*), as no suitable habitat is present for these species within the Project area. The DEIS states that impacts are unlikely to the Federally-listed threatened small whorled pogonia (*Isotria medeoloides*) because the Service considers this species as extirpated from New York. Please note that the DEIS is citing out of date information as small whorled pogonia was rediscovered in Orange County, New York, in 2010. However, we have no information to suggest the species occurs within the proposed Project area. We look forward to receiving additional details for all of the above-listed species in the BA.

201-02

The northern long-eared bat (*Myotis septentrionalis*) (NLEB) is currently proposed for Federal listing under the ESA. At this time, no critical habitat has been proposed for the NLEB. The entire state of New York is considered to be within the potential range of the NLEB. During the summer, NLEBs typically roost singly or in colonies in a wide variety of forested habitats, in cavities or crevices or underneath loose bark of both live trees and snags ( $\geq 3$  inches d.b.h.). The NLEBs have also been documented roosting in man-made structures (i.e., buildings, barns, etc.) during the summer. They forage for insects in upland and lowland woodlots and tree lined corridors. During the winter, NLEBs predominately hibernate in caves and abandoned mine portals. Additional habitat types may be identified as new information is obtained.

Pursuant to Section 7(a)(4) of the ESA and 50 CFR 402.10(a), federal action agencies are required to confer with the Service if they determine that the proposed federal action is likely to jeopardize the continued existence of the NLEB. Action agencies may also voluntarily confer

**201-01:** The language regarding potential nonsignificant effects has been clarified in the Final EIS in Sections S.8.7 and 2.6.7 to note that any potential effects on the species would be discountable (i.e., unlikely to occur) and that these potential effects would be avoided and minimized through implementation of conservation measures during construction, operation, and maintenance of the proposed project. The Biological Assessment (BA) (see EIS Appendix Q) for the proposed CHPE Project also provides specific details on the potential impacts resulting from the CHPE Project, and the measures that would be used to avoid and minimize impacts on the Indiana bat and Karner blue butterfly to justify an ESA "not likely to adversely affect" determination for listed species that might be present in the project area. Section 5.2.7 of the Final EIS states that vegetation management in Karner blue butterfly habitat (wild lupine) would be avoided by use of HDD and large potential roost tree removal would occur outside the Indiana bat roosting season. Any vegetation management otherwise required to occur in this habitat would be subject to further consultation between the Applicant and U.S. Fish and Wildlife Service (USFWS).

**201-02:** This information has been added to the Final EIS in Sections 3.2.7, 3.3.7, and 5.1.7, and the BA addresses the rediscovery of small whorled pogonia in Orange County, New York, in 2010. Because the location of rediscovery is more than 3 miles (5 km) away from the proposed CHPE Project region of influence (ROI) and the transmission line in Orange County would be entirely underwater in the Hudson River Segment where there is no suitable habitat to support the small whorled pogonia, the rediscovery of this species in Orange County does not change the effects determination.

with the Service if the proposed action may affect a proposed species. Although species proposed for listing are not afforded protection under the ESA, if a proposed species is listed, the prohibitions against jeopardizing its continued existence and unauthorized "take"<sup>1</sup> are effective immediately, regardless of an action's stage of completion. Therefore, if suitable NLEB habitat is present within the proposed Project area, we recommend further coordination to determine if the species may be present or if impacts are likely to avoid potential significant Project delays. Additional information regarding NLEB and conference procedures can be found at <http://www.fws.gov/midwest/endangered/mammals/nlba/index.html>.

201-03

### **Bald Eagles**

Bald Eagles use the Hudson River corridor for all aspects of their life cycle including feeding, breeding, wintering, and during migration. The DEIS notes that data from the New York Natural Heritage Program indicates active bald eagle nests in several counties in the Lake Champlain, Overland, and Hudson River sections of the Project. The Project sponsor should contact Sarah Nystrom, the Service's Northeast Region Eagle Coordinator at 413-253-8592 or [sarah\\_nystrom@fws.gov](mailto:sarah_nystrom@fws.gov), if Project construction is expected to impact bald eagles, especially during the breeding season. Notably, the DEIS indicates that blasting may be required in some areas if excavation equipment cannot dig the cable trench. Surveys may be required to determine active nesting areas prior to construction. The Service can provide recommendations on surveys for this species prior to construction.

201-04

### **Migratory Birds**

We appreciate the consideration given by CHPE to co-locate the land portion of the Project almost entirely along existing infrastructure such as rail lines, roads, and utilities. This will reduce habitat loss, fragmentation, and disturbance of areas important to migratory birds. As DOE is likely aware, the Project's effects on migratory birds should be documented, even if found adjacent to previously disturbed areas, in order to comply with the MBTA and the requirements of Executive Order 13186, Responsibilities of Federal Agencies to Protect Migratory Birds.

201-05

The Service previously requested that wildlife habitat be adequately mapped so that impacts to the various cover types can be assessed. However, it appears that only a portion of the Project corridor has been reviewed. In addition, few details are available on the locations of cooling stations, equipment storage and staging areas, access roads, and contractor yards. Further, we note that the construction of the Project would likely encompass the nesting and migration seasons of migratory birds. However, it is not clear in the DEIS, if and when construction activities would occur in migratory bird habitat.

201-06

We recommend DOE provide a more complete estimate of the potential disturbance to terrestrial habitat and the impact of the Project on migratory birds. Further, we request DOE coordinate with the Service's New York Field Office to determine if conservation measures to benefit migratory birds are needed.

<sup>1</sup> Take is defined in Section 3 of the ESA as harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.

**201-03:** This information is presented in the Final EIS in Sections 3.1.7, 5.1.7, 5.2.7, and similar sections, and the BA addresses the life history requirements of the northern long-eared bat, the potential impacts on the bat resulting from the proposed project, and measures that would be implemented to avoid such impacts. The project impacts would be similar to those discussed for the Indiana bat. Prior to construction, the Applicant would coordinate with the USFWS to determine the potential presence of northern long-eared bat along the proposed construction route and to receive additional recommendations on measures to be taken that would prevent adverse impacts on this species.

**201-04:** Comment noted.

**201-05:** See EIS Sections 5.1.7, 5.2.7, 5.3.7, and 5.4.7 for the analysis of potential impacts on migratory birds. The EIS sufficiently addresses impacts on migratory birds based on available information. Prior to construction, the Applicant would coordinate with the USFWS to determine the presence of migratory birds along the proposed construction route and the appropriate mitigation measures to be taken that would prevent adverse impacts on migratory bird species.

**201-06:** See response to Comment 201-05.

According to data from the New York Natural Heritage Program, colonial waterbirds have nested on the Four Brothers Islands complex in Lake Champlain. The Project sponsor should determine if construction will occur close to these nesting areas and if so, whether the Project can be constructed outside of the breeding season in this location.

201-07

**201-07:** The easternmost island of the complex is more than 0.75 miles (1.21 km) from the proposed CHPE project corridor. Impacts associated with construction are not anticipated to affect colonial waterbirds nesting on the Four Brothers Islands.

### Fish

In previous comments, the Service requested information on the potential effects of electromagnetic fields on the American eel, a candidate for ESA listing. We have concerns that the electromagnetic fields produced by the Project may affect the feeding, migration, or homing abilities of eels. However, the information in the DEIS concludes that the Project would not negatively impact this species. Some research, mostly in the marine environment and with alternating current, concludes that the effects on benthic organisms and fish depend largely on the species and their sensitivity to these fields (Normandeau et al. 2011, Schultz et al. 2010). However, adequate research for freshwater fish is lacking and the impacts to freshwater biota are mostly based on modeling or laboratory experiments. It is recommended that the Project sponsor consider monitoring the Project to determine if the electromagnetic fields emitted by the transmission line are influencing eel behavior. We understand that additional monitoring and reporting is expected to occur following cable installation which will supplement the existing knowledge base and guide future siting decisions for similar projects that may be proposed in the future. The Service requests to be involved in the development of study plans and review of data, when available.

201-08

**201-08:** Comment noted.

We recommend that DOE and the applicant consider these comments prior to Project approval. The Service's New York Field Office will continue to work with the Project sponsor and DOE in evaluating the Project's potential impacts on Federally-listed species, sensitive fish species, and migratory birds.

Thank you for the opportunity to review and comment on this DEIS. Please contact Tim Sullivan at 607-753-9334 if there are any questions regarding these comments. Please contact me at (617) 223-8565 if I can be of further assistance.

Sincerely,



Andrew L. Raddant  
Regional Environmental Officer

Comment 202



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1606

US Department of Energy

US Department of Energy

DEC 13 2013

DEC 19 2013

Electricity Delivery and  
Energy ReliabilityElectricity Delivery and  
Energy Reliability

Brian Mills, National Environmental Policy Act Document Manager  
Office of Electricity Delivery and Energy Reliability, OE-20  
US Department of Energy  
Washington, D.C. 20585

Dear Mr. Mills:

The U.S. Environmental Protection Agency (EPA) has reviewed the Department of Energy's draft environmental impact statement (DEIS) dated September 2013 for the Champlain Hudson Power Express Transmission Line Project (CHPE). The proposed project would be an approximately 336-mile long, 1,000-megawatt, high-voltage merchant electric power transmission system that includes a dual transmission line that would extend to Astoria, Queens, New York. The CHPE is a high voltage direct current transmission system, consisting of two cables, which will run electricity from Canada south to the New York City area. The cables will be placed under the sediments of Lake Champlain, the Hudson River, the Harlem River and the East River with some upland placement along the route. The project will include a converter station to be located in Astoria, New York, and several cooling stations to be located with the cables in upland areas. This review was conducted in accordance with Section 309 of the Clean Air Act, as amended (42 U.S.C 7609, PL 91-604 12 (a), 84 Stat. 1709) and the National Environmental Policy Act (NEPA).

EPA recognizes that this project has already undergone an in-depth review by the New York State Public Service Commission (NYSPSC), and has been granted a Certificate of Environmental Compatibility and Public Need by that Commission. While the Commission's proceedings are mentioned in various places in the DEIS, it might have been more useful for the public if the DEIS summary had contained a brief explanation of the NYSPSC proceedings, and a listing of important documents and the websites for those documents, especially the NYSPSC Certificate Conditions for the CHPE project.

We have enclosed a list of technical comments on the DEIS, and in light of our concerns on habitat loss due to anchor chain sweep, lack of wetlands mitigation plans and the document's lack of impacts analysis for underwater blasting, EPA has rated the DEIS as "EC-2" (Environmental Concerns- Insufficient Information; see enclosed rating sheet).

**202-01:** A brief explanation of the NYSPSC proceedings, important documents, and links to those documents has been added to Section S.6.2 of the EIS Summary. Section 2.3 of the EIS also details NYSPSC reviews and the granting of the Certificate of Environmental Compatibility and Public Need. Reference from both sections to EIS Appendix C referencing the Certificate and other information has been added to the Final EIS. The Certificate is available in the Document Library on the EIS Web site (<http://www.chpexpresseis.org>)

**202-02:** Comment noted. Habitat loss due to anchor chain sweep is addressed in Sections 5.1.4, 5.3.4, and 5.3.5 of the Final EIS. The wetland mitigation plan is addressed in Section 5.2.8 of the Final EIS, and impact analysis for underwater blasting is in Sections 5.4.2, 5.4.3, 5.4.4, 5.4.5, 5.4.9, 5.4.10, 5.4.11, 5.4.14, and 5.4.17 of the Final EIS. Additionally, responses to Comments 202-03 through 202-21 provide more detailed information on these and other concerns.

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Thank you for the opportunity to comment. Also included is a list of resources, "**U.S. EPA Region 2, Green Recommendations**" that can assist you in greening this and future projects. If you have any questions regarding this review or our comments, please contact Lingard Knutson of my staff at (212) 637-3747.

Sincerely,



Judy-Ann Mitchell, Chief  
Sustainability Planning and Multi-Media Programs Branch

Enclosures



**EPA Comments on Champlain Hudson Power Express  
Draft Environmental Impact Statement dated September 2013**

**General Conformity**

1. The general conformity applicability analysis emissions are not presented on a calendar year basis. However, EPA acknowledges that by including the total emissions in each nonattainment area, even for segments that may span greater than one year, the applicability analysis provides a conservative estimate.
2. There appears to be an error in calculating the emission factor for several marine vessels and dredges. Using EPA's "Current Methodologies in Preparing Mobile Source Port-Related Emission Inventories" (<http://epa.gov/cleandiesel/documents/ports-emission-inv-april09.pdf>), a typical NOx emission factor for tugboats is 10 g/kW-hr. Converted to pounds, this factor would be 0.02 lb/kW-hr. However, Appendix M shows an emission factor of 0.02 lb/hr, where it appears that the engine's rated power has not been taken into account. We recommend checking all marine and dredging emission factors and updating the general conformity analysis as necessary.

202-03

202-04

**Wetlands**

1. Several sections of the DEIS, such as S.5.8, 2.6.8 and 5.2.8 mention that a conceptual wetlands mitigation plan has been supplied to the New York District Army Corps of Engineers. That mitigation plan should be included in the EIS to allow for wider public and agency comment.
2. According to Section 5.2.8 of the DEIS, restoration of the temporary wetland impact areas will consist of re-grading to original contours and seeding with annual ryegrass, followed by natural plant establishment and succession. Some tree species may re-sprout from stumps and roots, but this passive restoration of 16.2 acres of forested wetland will likely take 30 to 50 years to yield a mature wetland community. EPA recommends that the planned restoration of cleared forested wetland areas be augmented with a wetland seed mix and planting of native tree and shrub saplings.

202-05

202-06

**Sediment/Habitat**

1. Sections S.6.3 and 2.4.10.1 discuss the aquatic construction sequence, and state that the "plowing process would be conducted using either a dynamically positioned cable ship or a positioned cable barge." EPA assumes that a "positioned cable barge" is the same as an anchored position vessel, as described in Section 5.1.2. Because of the anchor chain sweep, the use of an anchored position barge or vessel will exponentially increase the impact to benthic habitat compared to a dynamically positioned vessel. Section 5.1.9 does mention anchor sweep, but does not quantify the loss of benthic habitat, nor does Section 5.3.4 "Impacts of construction on shellfish and benthic communities." Should the applicant use an anchored position vessel in either Lake Champlain or the Hudson River,

202-07

**202-03:** Comment noted.

**202-04:** A review of the calculations used to determine the emissions factor for marine vessels and dredges confirmed that an error was made in the conversion from grams per kilowatt-hour to pounds per hour for tugs, boats, and dredging ships. Although the correction did result in an increase in projected emissions, the *de minimis* threshold still was not exceeded. The language in the EIS relevant to the corrected emissions factor has been revised in Sections 5.3.16 and 5.4.16 of the Final EIS.

**202-05:** The conceptual wetland mitigation plan is available for public access in the Document Library on the CHPE EIS Web site (<http://www.chpexprosseis.org/>) and the link to the plan was added to Section 5.2.8 in the Final EIS.

**202-06:** Comment noted. As discussed in Section 5.2.8 of the EIS, restoration of temporarily impacted forested wetlands would consist of backfilling with removed wetland soils (where necessary), final grading, and seeding with a temporary appropriate seed mixture. Restoration work would be completed within 24 hours after backfilling is finished. Additionally, the Applicant would implement a program to monitor the success of wetland restoration. If it is determined that restoration is unsuccessful after 2 years, the Applicant would implement (in consultation with a professional wetland ecologist) a plan to revegetate the wetland actively with native wetland herbaceous plant species.

**202-07:** In instances where anchors are deployed by construction vessels, U.S. Environmental Protection Agency (USEPA) recommendations regarding the use of mid-line buoys would be followed as mitigation to prevent anchor sweeps. Lay barges would have full anchoring capability to hold position at any point along the route. Anchorage can occur in the event that bottom conditions are encountered that either stop forward progress at reasonable tow tension or result in excessive rolling or pitching of the plow. In this case, the barge would be stopped and spuds or anchors would be

deployed to hold the barge in position. The project would also employ spud barges during the construction and removal of the temporary cofferdams at the five transmission line transitions from water to land, a 460-foot (140-meter) length of rock trenching in the Harlem River (MP 324.5), and at seven marine splice locations. In the cofferdam and rock trenching locations, the spud barges would be used in a confined area. The aquatic splices can be performed with either dynamic barge positioning or with deployment of anchors or spuds. The collective length of all work where anchors or spuds can be deployed and cause impacts on benthic habitat is less than 1 percent of the approximately 197-mile total aquatic portion of the proposed CHPE Project route.

Sections S.8.4, 2.4.10.1, 2.6.4, 5.1.4, 5.3.4, and 5.3.5 of the Final EIS were revised to include information on anchor sweeps and measures that would be employed to minimize impacts on benthic habitat. Additionally, use of midline buoys as mitigation to prevent anchor sweeps has been added to Appendix G.

mid-line buoys should be employed to minimize the effect of anchor chain sweep on the benthic habitat. Use of mid-line buoys is standard on Federal Energy Regulatory Commission pipeline certificates in this region. EPA is also concerned as to whether the disturbance from anchor chain sweep was included in Table 2-3 - Summary of Potential Impacts Associated with the Proposed CHPE Project, Aquatic Habitat and Species resource area.

2. In section 2.4.2, the fourth paragraph, last line states, "If necessary, blasting could be used to create a trench in which to bury the cables." EPA understands that in water blasting is proscribed by the NYSPSC order and was not mentioned in the New York District Army Corps of Engineers Public Notice (NAN-2009-01089-EYA) for this project. However, if in water blasting is considered a possible construction technique, the DEIS must evaluate its environmental impacts, especially to endangered fish.
3. Section 5.3.5 of the DEIS states, "Installation of the proposed aquatic transmission line would result in up to 485 acres of riverbed disturbance in the Hudson River Segment," however the Army Corps of Engineers Public Notice (above) states that the anticipated impacts from the buried cable installation for the entire project is 338 acres. This discrepancy must be rectified.
4. The applicant needs to clarify what areas will be backfilled with clean fill and what they propose as "clean fill." Particular clarification is necessary for those areas of federal channels (total 9 miles) where the applicant will be excavating 15-feet of material below the federal channel. The DEIS states, "Once a segment of trench is excavated, cable would be laid, and the clamshell dredge or excavator would place clean backfill back into the trench," details need to be provided for this backfilling.

#### Cumulative Impacts

1. The discussion of cumulative impacts should be expanded and updated to address the potential for the installation of the New England Clean Power Link (transmission line) project which includes burial of 100 miles of two six-inch cables under Lake Champlain. It is our understanding that the New England Clean Power Link project is to be developed by the same development team behind the Champlain Hudson Express project and that it will also require DOE review. Therefore, we believe it is appropriate for the analysis to include a description of both projects in the cumulative impacts analysis. Moreover, the EIS should explain whether opportunities exist for synchronized and co-located installation of the projects to further reduce impacts. More information about the New England Clean Power Link project can be found at: <http://www.necplink.com/about.php>
2. Section 6.1.1.3 and 6.1.2.2 discuss the Coast Guard' proposed federal anchorage in the Hudson River west of Yonkers, between mile posts 319 and 320. The Coast Guard effort is well into its planning process, and is very likely to occur. While section 6.1.2.2 states that the anchorage should be constructed before the CHPE is installed, and that the CHPE would be rerouted "slightly" to the east, EPA is concerned that the DEIS did not assume

**202-07** mid-line buoys should be employed to minimize the effect of anchor chain sweep on the benthic habitat. Use of mid-line buoys is standard on Federal Energy Regulatory Commission pipeline certificates in this region. EPA is also concerned as to whether the disturbance from anchor chain sweep was included in Table 2-3 - Summary of Potential Impacts Associated with the Proposed CHPE Project, Aquatic Habitat and Species resource area.

**202-08** In section 2.4.2, the fourth paragraph, last line states, "If necessary, blasting could be used to create a trench in which to bury the cables." EPA understands that in water blasting is proscribed by the NYSPSC order and was not mentioned in the New York District Army Corps of Engineers Public Notice (NAN-2009-01089-EYA) for this project. However, if in water blasting is considered a possible construction technique, the DEIS must evaluate its environmental impacts, especially to endangered fish.

**202-09** Section 5.3.5 of the DEIS states, "Installation of the proposed aquatic transmission line would result in up to 485 acres of riverbed disturbance in the Hudson River Segment," however the Army Corps of Engineers Public Notice (above) states that the anticipated impacts from the buried cable installation for the entire project is 338 acres. This discrepancy must be rectified.

**202-10** The applicant needs to clarify what areas will be backfilled with clean fill and what they propose as "clean fill." Particular clarification is necessary for those areas of federal channels (total 9 miles) where the applicant will be excavating 15-feet of material below the federal channel. The DEIS states, "Once a segment of trench is excavated, cable would be laid, and the clamshell dredge or excavator would place clean backfill back into the trench," details need to be provided for this backfilling.

**202-08:** Installation of the transmission line would entail blasting of approximately 460 linear feet (140 meters) of rock bed at MP 324.5 in the Harlem River. Blasting would occur within the construction windows agreed upon by the settlement parties, including the NYSDEC and the NYSDOS, to minimize impacts on endangered fish species. Information on the creation of trenches in bedrock is provided in Attachment 5 of the USACE New York District Public Notice (NAN-2009-01089-EYA) for the proposed CHPE Project dated October 2013. An analysis of impacts from blasting activities in the Harlem River has been added to Sections 5.4.2, 5.4.3, 5.4.4, 5.4.5, 5.4.9, 5.4.10, 5.4.11, 5.4.14, 5.4.17, and 5.4.19 of the Final EIS.

**202-09:** The EIS used a conservative disturbance area estimate of 25 feet on each side of the transmission line, which includes settlement zones where a majority of the sediment disturbed by the line would settle, whereas it appears the USACE Notice assumes a lower disturbance area width. This clarification has been made in Sections 5.3.4 and 5.3.5 of the Final EIS.

**202-10:** The proposed CHPE Project transmission line route was developed to avoid or minimize potential environmental impacts. As discussed in Section 2.4.10.1 of the EIS, in most cases, the aquatic cables would be installed using a jet plow or shear plow. These methods do not create typical trenches as are created during terrestrial transmission line burial activities. The plow methods push the sediment aside to allow the cables to sink into the void created. The sediment then slumps back into the void immediately after the plow moves on. "Clean fill" would not be used to backfill the plow trenches. Installation of the transmission line would involve use of clean backfill only at the five water-to-land transition areas (see Section 2.4.3 of the EIS); and temporary cofferdams would be installed requiring the excavation of less than 180 cubic yards (138 cubic meters) of material from within each of the cofferdams. Excavated material would be environmentally tested and any contaminated materials would be disposed of at a state-approved upland site. Once the cofferdam serves its purpose, its sheeting

would be removed from the waterways and the areas within the temporary cofferdams returned to pre-construction elevations by the placement of approximately 200 cubic yards (153 cubic meters) of clean sand into each location. Similarly, as described in Section 2.4.10.1, in the rock excavation area in the Harlem River, clean sand along with blasted aggregate rock materials from the trench would be used to backfill the trench.

**202-11:** A discussion on the potential installation of the New England Clean Power Link (transmission line) is incorporated into Sections S.8.20, 6.1.1, and 6.1.2 of the Final EIS. The New England Clean Power Link project is in the early planning stages; therefore, detailed plans and construction schedules are not yet known. Because the New England Clean Power Link would be installed only in Vermont, and the proposed CHPE Project would be installed a distance away across the state border in New York, significant cumulative impacts on the environment would be unlikely. However, if construction of the New England Clean Power Link and CHPE projects temporally overlap in Lake Champlain, then construction-related impacts on water resources and aquatic species and habitats, including state-listed fish and mussels, would be greater. The distances between the projects would be sufficient to avoid overlaps among temperature and magnetic field increases during operation.

**202-12:** The Applicant has analyzed the proposed CHPE Project's route in relationship to proposed anchorage areas in the Hudson River as those anchorage areas are defined in the applicable USCG *Federal Register* Notice (78 *Federal Register* 44917). Based on the coordinates given in the Notice, it appears the transmission line route is within the boundary of proposed Anchorage Area 18. At this time, however, Anchorage Area 18 has yet to be formally approved and the final coordinates of the proposed anchorage area have yet to be determined. The Applicant has authority under its NYSPSC certificate to modify the current route to account for, and ultimately avoid, established anchorage areas. If modified, impacts from construction within the anchorage area would be avoided. Therefore,

impacts would occur along the installation route that would be outside of the anchorage area. The Applicant is prepared to reroute the proposed transmission line route following finalization of proposed Anchorage Area 18. The Applicant continues to coordinate installation plans for the proposed CHPE Project transmission line with the USCG and the USACE. The transmission line would not traverse any existing designated anchorage areas, and safety measures would be implemented, including issuances of Notices to Mariners, as appropriate, to ensure the safety of vessels transiting near the construction barge throughout the proposed route, including near existing anchorage areas.

the new routing as part of the preferred alternative, has not included any approval or discussion by the Coast Guard or that the CHPE would be safe for mariners near the new anchorage.

3. Section 6.1.2.14 should include a discussion of marine vessel safety during the simultaneous construction of both the CHPE and the Tappan Zee Hudson River Crossing. Any required Coast Guard permits or safety plans with the New York State Thruway and its contractors should be noted.

#### General

1. EPA notes that the DEIS does not appear to contain information about the Champlain Valley National Heritage Partnership (CVNHP) in its evaluation of cultural resources. The CVNHP is administered by the Lake Champlain Basin Program. More information can be found at <http://www.champlainvalleynhp.org/index.htm>
2. EPA recommends that the Endangered Species Action Biological Assessments and Essential Fish Habitat consultation be included in the DEIS, or incorporated by reference.
3. In Section S.8.6, final paragraph, please provide the reference the study on forest fragmentation that indicates that displacement impacts associated with a 26-foot-wide corridor is not significant.
4. Section 1.6.2. Please supplement the description of EPA's role in the CHPE project by including the following - EPA is required under Section 309 of the CAA to review and publicly comment on the environmental impacts of major federal actions including actions that are the subject of draft and final EISs, and responsible for implementing certain procedural provisions of NEPA (e.g., publishing the Notices of Availability of the draft and final EISs in the *Federal Register*) to establish statutory timeframes for the environmental review process.
5. Page 2-7, last sentence on the page. There is a partial sentence "2-7 and" that should be deleted.
6. Page 5-78 discusses the use of vegetative buffers around the cooling stations. All vegetative buffers should use native plants.
7. On page 5-115, the second paragraph states "post-installation monitoring for the Long Island Replacement Cable in 2010...suggested that concrete mats were not a major disturbance to benthic communities." Please add the reference for that statement.

**202-12** Prior to construction, the Applicant would coordinate installation of the proposed CHPE Project transmission line with the USCG as discussed in various sections of the EIS, including Sections 5.1.2 and 5.3.2, and discussion has been added to Section 6.1.2.2.

**202-13** Safety measures would be implemented that would include issuances of Notices to Mariners, as appropriate, to ensure the safety of vessels transiting near the cable-laying barge throughout the proposed route (see Appendix G of the EIS). As noted in Comment 203-01, the USCG states that currently there is no indication that the proposed CHPE Project requires any USCG permits.

**202-14** Several of the properties recognized by the Champlain Valley National Heritage Partnership are identified in the EIS, specifically those with a potential to be impacted by the proposed CHPE Project. An example is Fort Ticonderoga, which is discussed in Sections 3.1.10 and 5.1.10 of the EIS. Text referencing the Champlain Valley National Heritage Partnership has been added to Section 3.1.10.1.

**202-15** The BA (EIS Appendix Q) and Essential Fish Habitat (EFH) Assessment (EIS Appendix R) and information from the consultations are included in the Final EIS.

**202-16** The reference citation for this study is provided in the main document text in Sections 5.2.6, 5.2.7, and 5.3.6: see Rich, A.C., D.S. Dobkin, and L.J. Niles. 1994. Defining Forest Fragmentation by Corridor Width: The Influence of Narrow Forest-Dividing Corridors on Forest-Nesting Birds in Southern New Jersey. *Journal of Conservation Biology* 8 (4): 109-1121.

**202-17** Section 1.6.2 describes Federal authorizations and approvals. Text in Section 1.6.1 has been revised in the Final EIS to further clarify USEPA's role relative to the EIS, which is the intent of the agency descriptions of Section 1.6.1.

**202-18** Partial sentence has been deleted in the Final EIS.

**202-19:** The text referred to in the comment was deleted. Nonetheless, use of native plants is mentioned throughout the EIS. In addition, the EM&CP and BMP documents for the proposed CHPE Project, which were included in draft form in the Joint Proposal and the NYSPSC Certificate, address the use of vegetation buffers, restoration plans, and standards. Specifically, Sections 11.2.2, 18.4, 19.2.3, and others in the BMP document describe vegetation restoration measures that include planting of native seeds, grasses, shrubs, and tree species, as appropriate for the habitat type. Furthermore, measures, including grading and topsoil segregation, and monitoring and cleaning of equipment, would be taken to ensure the preservation of the native seed bank and to prevent or control the spread of nonnative plant seeds.

**202-20:** The reference information for this monitoring effort is cited (ESS Group 2011) in the text that precedes the quoted text (see ESS Group, Inc. 2011, Concrete Mattress Macroinvertebrate and Video Census Monitoring Report, Long Island Replacement Cable (LIRC) Project, Prepared for Northeast Utilities Services Company as agent for the CT Light & Power Company, Berlin, Connecticut, Prepared by ESS Group, Inc., Wellesley, Massachusetts, 2011).

## EPA Region 2 Green Recommendations

To the maximum extent possible, project managers are encouraged to utilize local and recycled materials; to recycle materials generated onsite; and to utilize technologies and fuels that minimize greenhouse gas emissions.

Further, to the extent feasible, renewable energy (including, but not limited to solar, wind, geothermal, biogas, and biomass) and energy-efficient technologies should be incorporated into the design, construction, and operation of all types of projects.

To that end, the following information and internet hyperlinks are provided for your consideration and use:

- **Multi-media green building and land design practices**

Utilize green building practices which have multi-media benefits, including energy efficiency, water conservation (see WaterSense below), and healthy indoor air quality. Apply building rating systems and no-cost online tools and guides, such as ENERGY STAR, Portfolio Manager, Target Finder, Indoor Air Quality Package, and WaterSense for building construction. The ENERGY STAR website (see below) includes, among other things, information on new single-family homes, multi-family homes, commercial and other buildings, and schools. The website also provides an ENERGY STAR "Training Center" free of charge.

U.S. Green Building Council (USGBC) LEED Programs and Guides: <http://www.usgbc.org/>

ENERGY STAR home page: <http://www.energystar.gov>

ENERGY STAR Target Finder (no-cost online tool to set energy performance targets): <http://www.energystar.gov/targetfinder>

Indoor Air Quality: <http://www.epa.gov/iaq>

- **Water conservation and efficiency in building construction**

Promote water conservation and efficiency through the use of water efficient products and practices. For new building construction and restoration projects, we recommend considering the use of products with the WaterSense label where appropriate. Devices receiving the EPA WaterSense label must be at least 20% more water efficient than (and must meet or exceed the performance standards of) non-labeled devices of the same type. Additionally, when possible, consider the use of WaterSense Certified Professional Irrigation Partners and WaterSense Builder Partners. These professionals use WaterSense labeled devices where appropriate, are trained in the latest water conservation practices, and use the latest water efficiency tools and technologies, including irrigation equipment and xeriscaping for landscaping and best management practices for construction in the WaterSense New Home Specifications. Visit the WaterSense website for tips on water efficiency, a WaterSense labeled product search tool, a list of WaterSense Partners, access to the Water Budget Tool at: <http://www.epa.gov/watersense/>

In addition to using WaterSense labeled products and certified professionals, there are many water conservation strategies and best management practices that can be used in new construction and/or restoration. Here are some useful links to water conservation information:

- Green Building Encyclopedia:  
[http://www.whyygreenbuildings.com/water\\_conservation.php](http://www.whyygreenbuildings.com/water_conservation.php)



**202-21:** USEPA Region 2 Green Recommendations are being considered and implemented by the Applicant to the extent practicable.

During construction of the terrestrial portion of the proposed CHPE Project, clean excavated soils would be reused as fill and waste would be recycled to the maximum extent practicable (see Sections S.8.12 and 2.6.12 of the EIS); a vast majority of the debris generated, such as excavated soil, brush, tree limbs, logs, slash and stump waste, and blasted rock would be recycled as mulch or other uses and not disposed of in a landfill (see Section 5.2.12); and a majority of the estimated 65 tons of debris generated during construction of the Luyster Creek HVDC Converter Station would consist of recyclable materials and would be diverted from landfills (see Section 5.4.12). Additionally, once construction is complete, all debris and equipment would be removed from the site and recycled to the maximum extent feasible (see Section 2.4.4).

The proposed CHPE Project itself would facilitate the use of renewable energy as the Applicant expects that most of the power transported through the proposed transmission line would primarily be from renewable resources, primarily hydropower (see Section 1.4 of the EIS).

Cooling stations would be designed as closed-loop systems in which approximately 245 gallons (927 liters) of cooling water would be required initially to fill the cooling system, and negligible amounts of water would be needed to maintain this level during operation (see Sections 5.2.13, 5.3.12, and 5.4.12).



Consider designs for storm water management on compacted, contaminated soils in dense urban areas:

Additional information: <http://www.epa.gov/brownfields/tools/swdp0408.pdf>

- **Alternative and Renewable Energy**

The Department of Energy's "Green Power Network" (GPN) provides information and markets that can be used to supply alternative generated electricity. The following link identifies several suppliers of renewable energy:

Additional information:  
[http://apps3.eere.energy.gov/greenpower/buying/buying\\_power.shtml?](http://apps3.eere.energy.gov/greenpower/buying/buying_power.shtml?)

- **Clean Diesel**

For new equipment utilize contract specifications requiring advanced pollution controls and clean fuels: <http://www.northeastdiesel.org/pdf/NEDC-Construction-Contract-Spec.pdf> and <http://www.epa.gov/cleandiesel/technologies/index.htm>

Implement diesel controls, cleaner fuel, and cleaner construction practices for on-road and off-road equipment used for transportation, soil movement, or other construction activities, including:

1. Strategies and technologies that reduce unnecessary idling, including auxiliary power units, the use of electric equipment, and strict enforcement of idling limits; and
2. Use of clean diesel through add-on control technologies like diesel particulate filters and diesel oxidation catalysts, repowers, or newer, cleaner equipment.

Additional information: *A How To Guide for Diesel Engine Retrofits in the Construction Industry.*  
<http://www.mass.gov/dep/air/diesel/conretro.pdf>

- **Utilizing recycled materials in construction projects**

Many industrial and construction byproducts are available for use in road, building or infrastructure construction. Use of these materials can save money and reduce environmental impacts. The Recycled Materials Resource Center has developed user guidelines for many recycled materials and compiled existing national specifications.

Additional information: <http://rmrc.wisc.edu>  
<http://www.fhwa.dot.gov/pavement/recycling/rectools.cfm>  
<http://www.epa.gov/osw/conserve/lmr/index.htm>

- **Encourage cost-efficient, environmentally friendly landscaping**

EPA's GreenScapes program provides cost-efficient and environmentally friendly solutions for landscaping. Designed to help preserve natural resources and prevent waste and pollution, GreenScapes encourages companies, government agencies, other entities, and homeowners to make more holistic decisions regarding waste generation and disposal and the associated impacts on land, water, air, and energy use.

Additional information: <http://www.epa.gov/wastes/conserve/tools/greenscapes/index.htm>

- **Incorporate on-site energy generation and energy efficient equipment upgrades into projects at drinking water and wastewater treatment facilities**

202-21



Consider using captured biogases in combined heat and power systems, and renewable energy (wind, solar, etc.) to generate energy for use on-site. Evaluate the potential energy savings associated with upgrading to more energy efficient equipment (pumps, motors, lighting, etc.).

Additional information: <http://water.epa.gov/infrastructure/sustain/goinggreen.cfm>  
<http://www.epa.gov/region9/waterinfrastructure/howto.html>

- **Incorporate green practices into remediation of contaminated sites**

Encourage or incentivize the use of green remediation practices, including designing treatment systems with optimum energy efficiency; use of passive energy technologies such as bio-remediation and phyto-remediation; use of renewable energy to meet power demands of energy-intensive treatment systems or auxiliary equipment; use of cleaner fuels, machinery, and vehicles; use of native plant species; and minimizing waste and water use.

Additional information: <http://cluoin.org/greenremediation/index.cfm>

- **Encourage development in brownfield sites**

Cleaning up and reinvesting in these properties takes development pressures off of undeveloped, open land, and both improves and protects the environment. These sites are often "infrastructure-ready," eliminating the need to build new roads and utility lines which are necessary in undeveloped land.

Additional information: <http://www.epa.gov/brownfields/>

- **Encourage use of Smart Growth and transit-oriented development principles**

Smart Growth and transit oriented development (TOD) principles help preserve natural lands and critical environmental areas, and protect water and air quality by encouraging developments that are mixed-use, walkable and located near public transit. Encourage use of bicycling with bike commuter parking, storage, and changing facilities. Facilitate increased carpooling or alternative vehicles with preferable parking spaces and/or electric vehicle plug in spots.

Additional information: <http://www.epa.gov/smartgrowth>

- **Integrated Design Process**

The Integrated Design Process calls for the active and continuing engagement of all stakeholders throughout the building design, development, construction, and post-construction phases including the owners, architects, engineers, building department officials, and others. This process creates a higher-performing building at lower cost, allows various building systems to work together to eliminate redundant and unnecessary capacity, and minimizes change order costs.

Additional information: [http://www.wbdg.org/design/engage\\_process.php](http://www.wbdg.org/design/engage_process.php)

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**SUMMARY OF RATING DEFINITIONS AND FOLLOW-UP ACTION****Environmental Impact of the Action****LO-Lack of Objections**

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

**EC-Environmental Concerns**

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

**EO-Environmental Objections**

The EPA review has identified significant environmental impacts that must be avoided to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

**EU-Environmentally Unsatisfactory**

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of environmental quality, public health or welfare. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommend for referral to the Council on Environmental Quality (CEQ).

**Adequacy of the Impact Statement****Category 1-Adequate**

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

**Category 2-Insufficient Information**

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

**Category 3-Inadequate**

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analysis, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

\*From: EPA Manual 1640, "Policy and Procedures for the Review of Federal Actions Impacting the Environment."

202-21

## Comment 203

U.S. Department of  
Homeland Security  
  
United States  
Coast Guard



Commander  
First Coast Guard District

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January 15, 2014

Mr. Brian Mills  
U.S. Department of Energy  
Senior Planning Advisor  
Office of Electricity Delivery and Energy Reliability (OE-20)  
1000 Independence Avenue, SW  
Washington, DC 20585

Dear Mr. Mills,

Thank you for the opportunity to comment on the Champlain Hudson Power Express (CHPE) Draft Environmental Impact Statement (DEIS).<sup>1</sup> The First Coast Guard District (CGD ONE), with input from Sector Northern New England (SECNNE) and Sector New York (SECNY), evaluated the DEIS to determine how the project may impact navigational safety along the transmission line route. The U.S. Coast Guard (USCG) provides the following input, in addition to a submission by SECNY on January 17, 2013 on the Preliminary DEIS (See Enclosure).

1. Cooperating Agency Clarification:

The USCG's role is to serve as a subject matter expert to the DOE regarding impacts to navigation. The USCG requests that Table 1-2 on page 1-11 in Volume 1 of the DEIS be revised to read as follows: "Provides recommendations concerning possible impacts to navigational safety and security under the authority of the Ports and Waterways Safety Act (PWSA), 33 U.S.C. § 1231, and the Rivers and Harbors Act, 33 U.S.C. § 471."

The USCG is authorized to issue permits for certain bridge projects, marine events, and for private aids to navigation. At this time, there is no indication that this project requires the USCG to exercise any such permitting authorities.<sup>2</sup>

2. Navigational Safety:

Installation of cable beneath navigable waters along the project route will impact navigational safety by increased presence of construction vessel traffic. To reduce risks during construction, cable laying vessels must be vigilant to guard against marine incidents through prudent seamanship and adherence to navigation rules. After the installation phase is finished, the permanent existence of a transmission cable under these waterways will likely create safety risks for vessels needing to anchor if appropriate mitigation strategies are not employed.

The DEIS mentions employing limited access areas for the project in multiple locations to mitigate risk.<sup>3</sup> The USCG may, at its discretion, establish a limited access area along the

<sup>1</sup> OE Docket No. PP-362.

<sup>2</sup> Page 2-81 (end of paragraph 6); Appendix J Memo dated November 26, 2012 (Section 2.0)

<sup>3</sup> Pages 3-35 paragraph 1 and page 5-101 paragraph 4.

203-01

**203-01:** The Final EIS has been revised to clarify the role of the USCG in the review of the proposed CHPE Project per the comment. The requested text has been added to Section 1.6.1 of the Final EIS since Table 1-2 is a list of permitting processes, not recommendations.

203-02

**203-02:** Comment noted. EIS Section 3.3.2 has been revised to cite the correct safety and security zone regulations.

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waterways when necessary to provide for safe navigation. As stated in 33 C.F.R. § 165, any person (or applicant) may request that the USCG establish a limited access area by following the appropriate protocol. Finally, for clarification, the DEIS references an outdated version of 33 C.F.R. 169.165 safety and security zone regulations.<sup>4</sup> The “Commercial Waterfront Facilities” site has been revised to “33 C.F.R. Part 105 Facilities”.

### 3. Transmission Cable Line:

The USCG has concerns with several locations and burial depths along the proposed cable route. While the Applicant did consult with SECNY and with members of the NY/NJ Harbor Safety, Navigation and Operations Energy Subcommittee, it appears the Applicant has made few changes to the project route based on input provided during such consultation, contrary to what the DEIS states.<sup>5</sup>

It is unclear if the proposed cable burial depth, which varies from three to fifteen feet along the route, is sufficient to prevent anchor snag. A vessel fetching up on an insufficiently buried cable could result in a marine incident with interruption to the waterway and dire environmental consequences. The USCG recommends that the Applicant substantiate through testing or research that the proposed route and burial are such that anchor snags on vessels typical of the waterway are unlikely to occur. The Applicant’s proposed cable route and burial should be based on independent and objective data and information derived from reliable, expert sources, such as the Sharples Report.<sup>6</sup> After an adequate cable route and depth is established, the USCG recommends that the Applicant verify and document the “as built” cable depth with certainty. Currently, the DEIS does not detail how the burial depth will be verified.<sup>7</sup>

The USCG requests clarification regarding the anchor replacement and cable repair process, which as written implies the USCG has a role in the process.<sup>8</sup> Additionally, the USCG requests an opportunity to review the Anchor Snag Manual, and the subsequent Navigation Risk Assessment, prior to construction.<sup>9</sup> The USCG requests a meeting with the Applicant and their cable installer prior to construction to better understand the installation methods and discuss safety and security concerns.

### 4. Multiple Use of the Waterway:

The Hudson and NYC Metropolitan segments are congested with many waterway projects and are components of the greater Port of New York/ New Jersey. Lake Champlain has passenger ferries, including a cable ferry, essential to the regional transportation systems. While the USCG maintains awareness of activities taking place in the maritime domain, it is the responsibility of

**203-02:** In determining the proposed CHPE Project’s proposed burial depths, the Applicant reviewed technical journals and industry reports, including information provided by the manufacturer of concrete mattresses that is proposed for certain discrete areas, to ensure the cables would not present navigation risks or anchor snag concerns. The Applicant has also developed an independent navigation risk assessment that addresses both navigational risks and anchor snag concerns (see Appendix U of the Final EIS). The Sharples report was used during the development of the navigation risk assessment. This document has been made available to the USCG and other stakeholders for comment.

**203-03:** Following completion of cable installation, the Applicant is required to prepare and submit as-built design drawings that show the locations of the cables as installed. These drawings would indicate areas in which the cables are laid in deep waters without cover and areas in which the cables are laid on the bottom but covered. Cable installation would be recorded and monitored in real-time by the cable-laying vessel’s navigation, lay control, and burial control computer systems, which would be used to produce the as-built report. Text communicating this information has been added to Section G.2 of Appendix G in the Final EIS.

**203-04:** Section 5.3.2 of the Final EIS has been revised to clarify that in the event of an anchor incident or cable repair, the USCG would be notified. The Applicant would undertake the actual repair of the cable.

**203-05:** The USCG would have an opportunity to review the Anchor Snag Manual and the subsequent Navigation Risk Assessment prior to construction. The Applicant also commits to meeting with the USCG, along with the Applicant’s cable installer, prior to construction.

<sup>4</sup> Page 3-86, paragraph 3.

<sup>5</sup> Page 5-38, paragraph 4.

<sup>6</sup> [http://www.bsee.gov/uploadedFiles/BSEE/Research\\_and\\_Training/Technology\\_Assessment\\_and\\_Research/671AA-Final%20Report%20Offshore%20Electrical%20Cable%20Burial%20for%20Wind%20Farms.pdf](http://www.bsee.gov/uploadedFiles/BSEE/Research_and_Training/Technology_Assessment_and_Research/671AA-Final%20Report%20Offshore%20Electrical%20Cable%20Burial%20for%20Wind%20Farms.pdf)

<sup>7</sup> Appendix G, page G-2, bullet 6.

<sup>8</sup> Page 5-103, paragraph 1.

<sup>9</sup> Appendix G, page G-3, bullet 11.

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the Applicant to coordinate this project with other waterway users, and when possible, avoid conflicts.

203-05 **203-05:** Comment noted. See response to Comment 202-13.

The DOE has no authority to prohibit vessel anchorage for the “aquatic transmission line ROW for the lifespan of the proposed CHPE Project” as stated in Section 5; nor would the USCG prohibit vessel anchorage, as stated in Section 5.3.2.<sup>10</sup> For these reasons, the USCG recommends that this proposed language be further examined and revised. In the event of a vessel emergency, vessels must have the ability to rapidly deploy their anchor regardless of whether or not they are in an established anchorage.

203-06 **203-06:** Text regarding vessel anchorage prohibitions in the proposed CHPE Project aquatic transmission line ROW has been deleted from Section 5.3.2 and other similar sections in the Final EIS.

The DEIS states that where the transmission line might cross a channel or anchorage area, it would be buried according to specifications described in Section 2.4.10.1.<sup>11</sup> The DEIS also states that the proposed CHPE project would traverse the Yonkers Anchorage Ground.<sup>12</sup> SECNY notified HDR Inc. of this proposed Anchorage Ground on November 12, 2010<sup>13</sup> and is unaware of attempts to re-route the cable. Any cabling through a designated anchorage presents an unacceptable risk. This risk is amplified where no study of anchor penetrations and bottom characteristics has been conducted. The USCG strongly disagrees with a cable route that lies beneath any existing or proposed anchorage ground.

203-07 **203-07:** The Applicant has analyzed the proposed CHPE Project’s route in relation to the proposed anchorage areas in the Hudson River as those anchorage areas are defined in the applicable USCG *Federal Register* Notice (78 *Federal Register* 44917). Based on the coordinates given in the Notice, it appears the transmission line route is within the boundary of proposed Anchorage Ground No. 18 (i.e., Yonkers Anchorage Ground). At this time, however, Anchorage Ground No. 18 has yet to be formally approved and the final coordinates of the proposed anchorage area have yet to be determined. The Applicant has authority under its NYSPSC certificate and intends to modify the currently proposed transmission line route to account for, and ultimately avoid, established anchorage areas as required.

#### 5. Bridges:

The Applicant and DOE are reminded that the USCG is responsible for enforcing certain rules and regulations related to bridges and causeways over U.S. navigable waters. If the Applicant plans activity affecting a bridge built under the authority of a USCG permit, the Applicant may be required to consult with the bridge owner and CGDONE before commencing that work.

203-08 **203-08:** Comment noted.

#### 6. Ice Breaking:

According to the DEIS, various project construction milestones extend into late November and December.<sup>14</sup> The Applicant and DOE are reminded that Lake Champlain may ice over at that time of year and the USCG has no ice breaking resources available on Lake Champlain.

Although the DEIS states that installation activities will be limited to certain times of the year, it is silent about the timing of inspection and repair activities. If inspection and repair activities take place during winter months, the USCG may not have the capacity to conduct ice breaking operations in the Hudson River and NYC segments for the Applicant.

203-09 **203-09:** The Applicant would be responsible for ice breaking operations if so required by emergency repair activities. Text added to EIS Section 5.1.2 accordingly.

#### 7. Ballast Water Management:

Because ballast water management is not mentioned in the DEIS, the Applicant and DOE are reminded that, pursuant to the Non-indigenous Aquatic Nuisance Prevention and Control Act of

203-10 **203-10:** The Applicant would adhere to all current regulations regarding proper ballast management to minimize introduction of additional aquatic invasive species. Text has been added to Appendix G of the Final EIS and the EFH Assessment (EIS Appendix R) regarding such.

<sup>10</sup> Page 5-2, paragraph 4, page 5-103, paragraph 1.

<sup>11</sup> Page 5-3, paragraph 6.

<sup>12</sup> Page 6-4, paragraph 5.

<sup>13</sup> Email with attachment, Jeff Yunker, USCG to R. Alevras, HDR.

<sup>14</sup> Page 2-27, Table 2-2.

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1990 (33 C.F.R. § 151 Subpart C and D), the USCG has authority to regulate and enforce proper ballast water management. Aquatic nuisance species are a major concern especially for the Lake Champlain ecosystem. Current regulations and guidance on USCG ballast water regulations can be found on the USCG's Home port web site.<sup>15</sup>

#### 8. Compass Deviation

All vessels that fall under 33 C.F.R. § 164 and USCG Navigation and Vessel Inspection Circular No 02-03, require a properly adjusted magnetic compass. According to the DEIS, the DOE states impacts to the required magnetic compasses will be negligible as a result of the project.<sup>16</sup> USCG requests the DOE research used to make this determination.

#### 9. Cumulative and Other Impacts:

The Clean Energy Power Link project, which is also proposed by the Applicant of the CHPE project, runs closely along the same route through Lake Champlain.<sup>17</sup> In Section 6.1.1.2 of the DEIS, there is no mention of the potential for cumulative impacts on the marine environment. Additionally, the West Point Net Zero Initiative proposes to install a water intake pipeline, extending approximately 1500 feet from the Hudson River shoreline between MP 283 and 284, to be used for terrestrial infrastructure cooling. The USCG, through SECNY, commented on June 24, 2013 to the U.S. Army NEPA coordinator, that the location of this project presents navigational safety concerns on its own. The addition of the CHPE project would increase the risk of a marine incident.

#### 10. Summary:

To reduce the negative impacts on navigation and reduce the risk to safety on the affected waterways, the USCG strongly recommends that the Applicant:

- To the greatest extent possible, set the cable route outside of all federally maintained, designated navigation channels, and frequented natural deepwater channels;
- Set the cable route outside of all current anchorage areas and those anchorage areas currently proposed through the rulemaking process; and
- Establish a cable route and burial depths sufficient to prevent anchor fouling, then verify and publish the route post-construction.

If the CHPE project is approved by DOE and constructed by HDR, Inc, the USCG strongly desires continued involvement, including:

- Coordination of cable laying within or across federally maintained navigation channels<sup>18</sup>;
- Distribution of project updates via Local Notices to Mariners;

<sup>15</sup> <https://homeport.uscg.mil/>

<sup>16</sup> Page 5-103, paragraph 1

<sup>17</sup> <http://www.necplink.com/>

<sup>18</sup> Appendix G, page G-2, bullet 6.

**203-11:** The compass deviation estimates were provided in Exhibit 87 to the Joint Proposal. This analysis was done by Exponent, a U.S.-based scientific and consulting firm. The deviation estimates presented in the Draft EIS were conservative, in that they were based on a 6-foot (1.8-meter) cable spacing. Exhibit 87 also states that if the cables are close together, the deviation would decrease (CHPEI 2012ccc). It is currently proposed by the Applicant that the two cables would be installed in the same trench with an effective spacing of 1 foot (0.3 meters) or less. Under this scenario, the expected declination from magnetic north would be less than 3 degrees at 19 feet (6 meters) above the cables and deviation would only occur within 10 to 20 feet (3 to 6 meters) of the cables. Because cables in water shallower than this are outside of the navigation channel (where vessel traffic would be heaviest) and the Hudson River is not open water where compass navigation is a greater necessity, the impact of this deviance is expected to be minimal. In addition, the Hudson River Pilot Association and National Oceanic Atmospheric Administration's (NOAA) Coast Pilot 2 both state that ships traversing in the New York Harbor and up the Hudson River require a river pilot, thus minimizing any potential navigation system effects resulting from compass deviations. On Lake Champlain, in general, the smaller sizes of vessels that use that waterway and the substantial depth of the water would likely not result in compass deviations impacting navigation systems. The potential declination from magnetic north of less than 3 degrees would be expected to be within the range of natural variation. For example, as per NOAA's January 5, 2014, U.S. Coast Pilot 2, Chapter 11, page 353, differences of as much as 5 degrees from the normal variation have been reported in the lower Hudson River. Based on this information, DOE concurred with the Joint Proposal Exhibit findings that impacts would be negligible.

**203-12:** The Final EIS now includes the Clean Energy Power Link and the U.S. Military Academy West Point Net Zero Initiative projects in the discussion of Cumulative Impacts in Chapter 6.

**203-13:** Comment noted. Also see responses to Comments 203-01 through 203-12.

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- Active participation in review of several Applicant written documents (e.g. Aquatic Safety and Communications Plan; Environmental Management and Construction Plan; Spill Prevention, Control; and Countermeasures Plan; Emergency Repair and Response Plan; and the Anchor Snag Manual) prior to construction start; and
- Notification as soon as possible of all reportable marine incidents and cooperation through marine investigations, if applicable.

203-13

Finally, the USCG recommends frequent communication with the appropriate Coast Guard Sector waterway managers and affected stakeholders.

Thank you for this opportunity to participate as a cooperating agency. Should you have additional questions or concerns in this matter, feel free to contact Mr. Daniel L. Hubbard, Branch Chief for Maritime Energy and Marine Planning at [Daniel.L.Hubbard@uscg.mil](mailto:Daniel.L.Hubbard@uscg.mil) or 617-223-8372.

Sincerely,



W.A. MUILENBURG  
Captain, U.S. Coast Guard  
Chief, Prevention Division  
By direction of the District Commander

Enclosure: (1) Coast Guard Sector New York CHPE PDEIS Comment Letter 17 JAN 2013

Copy: Commandant, U.S. Coast Guard (NAV-3)  
Commander, Coast Guard Atlantic Area (LANT-544)  
Commander, First Coast Guard District (dpb)  
Commander, Coast Guard Sector Northern New England (spw)  
Commander, Coast Guard Sector New York (spw)  
Commander, U.S. Army Corps of Engineers New York District (Eastern Permits)



U.S. Department of  
Homeland Security  
  
United States  
Coast Guard



Commander  
United States Coast Guard  
Sector New York

212 Coast Guard Drive  
Staten Island, NY 10305  
Staff Symbol: (epw)  
Phone: (718) 354-2363  
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16670  
17 Jan 2013

U. S. Department of Energy  
Senior Planning Advisor  
Office of Electricity Delivery and Energy Reliability (OE-20)  
1000 Independence Avenue, SW  
Washington, DC 20585  
Attn: Mr. Brian Mills

To Whom It May Concern:

Thank you for the opportunity to comment on the Preliminary Draft Environmental Impact Statement (DEIS) regarding the Champlain Hudson Power Express Transmission Line Project. We offer the following comments:

The Coast Guard has a responsibility to ensure the safety of navigation and protection of the marine environment under the Ports and Waterway Safety Act (PWSA), 33 U.S.C. 1231. The Champlain Hudson Power Express Project, in its current form, presents concerns to the Coast Guard Captain of the Port (COTP) New York, as it proposes to install power cables underneath and along the navigable waters of the Hudson, Harlem and East Rivers.

In the event of an emergency, commercial vessels must have the ability to rapidly deploy their anchor. If cables are not buried sufficiently, there is a risk of the cable being struck or snagged by a commercial vessel's anchor which could have a severe impact on commercial and recreational navigation, the environment, maritime facilities, and the transmission line itself. While installing this cable in shallower water near the shoreline would alleviate many navigation concerns, the agencies and groups involved in the Joint Proposal of Settlement have approved a route in deep water where the likelihood of anchor related marine casualties is increased.

As evidenced by the recent closure of the Hudson River due to the M/V STENA PRIMORSK grounding, a two or three day waterway closure would have severe impacts to Upstate New York and the New England region. The DEIS referenced 14 day closure for future cable repairs would have unacceptable impacts to the marine transportation system.

The transmission route should be revised to avoid all federally designated navigation channels and other navigable waters historically used by commercial vessels. Due to the effects of winds, tides, currents, and other vessel traffic, commercial vessels must transit where deep water is available regardless of the location of federal channels. The burial depths currently proposed in the DEIS are insufficient. If the cable is buried within navigable waters, it is of the utmost importance that the cables are buried sufficiently to allow for future channel deepening projects and to prevent cable strikes or snags. The cable burial depths should be established through consultation with the US Army Corps of Engineers' Technical Group. The Sharples Report provides additional guidance about the burial depths that should be required of the applicant. If

ENCLOSURES( 1 )

203-14

**203-14:** The comments in the USCG's letter dated January 17, 2013, are repeated in varying form in its letter dated January 15, 2014. See earlier comments in the January 15th letter.

16670

In addition, the applicant must not assume right of way over other pre-approved projects. The Coast Guard will not facilitate scheduling conflicts between other projects. Requests for the movement of any federal channel marker buoys must be made a minimum of 30 days in advance if necessary for the completion of this project. Regardless of the request, the Coast Guard may not be able to reposition buoys to accommodate cable installation based upon previously scheduled Coast Guard operations and/or unavailability of alternate buoy locations.

On page 326, the DEIS describes that cable burial depths will be verified, but it is not stated who will do the verification, the cable installer or a separate party.

The Coast Guard would like an opportunity to provide comments on the BMP referenced as an Anchor Snag Manual (p. 441). We recommend the anchor snag manual include a navigation risk assessment including a bottom assessment of the entire cable route within the Hudson, Harlem, and East Rivers, including, but not limited to, expected impacts to current and future commercial vessels based upon Deadweight Tonnage.

Under 33 CFR 64.06 – Definition of Terms, a transmission cable snagged by an anchor is designated as an “obstruction”. Following an anchor related marine casualty due to transmission cables, the applicant would be required to provide a repair proposal to the COTP New York including a new, deeper cable burial depth to prevent future snags within the affected area. Again, the DEIS referenced a 14 day closure for future cable repairs which would have unacceptable impacts to the marine transportation system.

The “Present and Reasonably Foreseeable Future Actions in the Hudson River” segment should include the proposed establishment of a Federal anchorage ground west of Yonkers, NY bound by the following points: 40°56'54.0"N, 073°54'40.0"W; thence to 40°56'51.0"N, 073°54'24.0"W; thence to 40°55'53.0"N, 073°54'40.0"W; thence to 40°55'56.0"N, 073°54'58.0"W; thence to the point of origin (NAD 83).

Finally, the Coast Guard recommends including our agency in the Index, similarly to the USFWS and USACE.

Thank you for these considerations. If you have any questions or comments regarding this matter, please contact me at (718)354-2353 or Mr. Jeff Yunker at (718) 354-4195.

Sincerely,

A. M. MORRISSEY  
Lieutenant Commander, U.S. Coast Guard  
Chief, Waterways Management Division  
By Direction

Copy: USACE Eastern Permits Section  
CGD ONE (dpw)

2

203-14

## Comment 204



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
NORTHEAST REGION  
55 Great Republic Drive  
Gloucester, MA 01930-2276

JAN 15 2014

Mr. Brian Mills  
Office of Electricity Delivery and Energy Reliability (OE-20)  
U.S. Department of Energy  
1000 Independence Avenue SW  
Washington, DC 20585

Ms. Jodi McDonald, Chief  
Regulatory Branch  
New York District  
U.S. Army Corps of Engineers  
26 Federal Plaza  
New York, NY 10278-0900

RE: Champlain Hudson Power Express; Draft Environmental Impact Statement and Public Notice NAN-2009-01089-EYA; Request for Additional Information

Dear Mr. Mills and Ms. McDonald:

We have reviewed the September 2013 Draft Environmental Impact Statement (DEIS) for the Champlain Hudson Power Express Project prepared by the U.S. Department of Energy (USDOE), the lead federal agency for the project, as well as the U.S. Army Corps of Engineers (USACE) Public Notice NAN-2009-01089-EYA, dated October 2, 2013. We are pleased to provide the following technical comments, and based on our review, we have determined that the DEIS and Public Notice do not provide us with the necessary information to complete EFH or ESA consultation on this project. In particular, an expanded Essential Fish Habitat (EFH) Assessment is necessary to begin consultation under the Magnuson-Stevens Fishery Conservation and Management Act (MSA). Additional project specific information is also needed to conduct consultations under the Fish and Wildlife Coordination Act (FWCA), and a Biological Assessment to complete consultation under Section 7 of the Endangered Species Act (ESA). Our specific information needs are described in detail below.

The applicant, Champlain Hudson Power Express, Inc. (CHPEI), is proposing to construct a 1,000 megawatt (MW) high voltage direct current (HVDC) electric transmission system extending 332.8 miles from the international border between Canada and the United States to Queens, New York. The project would extend through fifteen New York State counties and impact approximately 347 acres of waters of the U.S. including Lake Champlain, Narrows of Lake Champlain, the Hudson River, Harlem River and East River. The expected life span of the project is 40 years.

The proposed HVDC transmission system would be comprised of two cables, buried within the same trench. The DEIS indicates burial depths would range between 3 and 5 feet below the



**204-01:** The EFH Assessment (EIS Appendix R) and BA (EIS Appendix Q) have been prepared and have been provided for the respective consultation efforts. The requested information on the habitats and species potentially affected by the proposed CHPE Project is in the Draft EIS and is also reflected in those documents, and additional information as identified in this letter and in Comments 204-02 through 204-32 have been incorporated into the Final EIS, BA and EFH Assessment as appropriate.

bottom; however, the Public Notice states the cable would be buried 4 feet below the bottom in Lake Champlain and 7 feet below the bottom in the Hudson River. In areas where surface bedrock may not permit adequate cable burial depths, or where the proposed cable would encounter existing infrastructure, the applicant proposes either placement of the cable on the riverbed or burial of cable at depths less than 4 feet. Protective coverings such as concrete mats or rip rap would be placed over the proposed cable where burial is not possible. Cable installation methods would include horizontal directional drilling, jet plow installation, shear plow installation, and conventional dredging. Mitigation in the form of wetland creation, restoration and/or enhancement is proposed for 10.5 acres of permanent impacts to wetlands. According to the DEIS, the applicant is also proposing to fund a trust for restoration and research as compensatory mitigation.

The applicant of this project, CHPEI, has applied to the USDOE for a Presidential permit to authorize international border crossing of the proposed HVDC transmission system. The USACE has also received an application from CHPEI for authorization of project activities pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344). USDOE and USACE are required to consult with us under the MSA, FWCA, and Section 7 of the ESA.<sup>1</sup> In order for us to successfully complete consultation, we will need the additional information and analyses described below.

#### **Magnuson-Stevens Fishery Conservation and Management Act**

The Magnuson-Stevens Fishery Conservation and Management Act (MSA) requires federal agencies such as the USDOE and USACE to consult with us on any action or proposed action authorized, funded, or undertaken by the agency that may adversely affect essential fish habitat (EFH) identified under the MSA. [16 U.S.C. § 1855(b)(2)]. The statute defines EFH as “those waters and substrates necessary to fish spawning, breeding, feeding or growth to maturity.” [16 U.S.C. § 1853(a)(7) and § 1802(10)]. Our regulations further define EFH adding, among other things, that “‘necessary’ means the habitat required to support a sustainable fishery and the managed species’ contribution to a healthy ecosystem.” (50 C.F.R. §600.10). Adverse effects to EFH are defined in our regulations as “any impact that reduces the quality or quantity of EFH.” The regulations state:

An adverse effect may include direct or indirect physical, chemical or biological alterations of the water or substrate and any loss of, or injury to, benthic organisms, prey species and their habitat and other ecosystems components, if such modifications reduce the quality and/or quantity of EFH. Adverse effects to EFH may result from action occurring within EFH or outside EFH and may include site-specific or habitat-wide impacts, including individual, cumulative, or synergistic consequences of actions [50 C.F.R. 600.810(a)].

The regulations at 50 C.F.R. 600.920 set forth the consultation process that will allow us to make a determination of this project’s effects on EFH and provide conservation recommendations on actions that would adversely affect such habitat pursuant to section 305(b)(4)(A) of the MSA. To initiate an EFH consultation, you must submit an EFH assessment to us. Required components of

<sup>1</sup> The USDOE is the lead federal agency for this project.

an EFH assessment include “a description of the action; and analysis of the potential adverse effects of the action on EFH and the managed species; the federal agency’s conclusions regarding the effects of the action on EFH; and the proposed mitigation, if applicable” [50 C.F.R. §600.920(e)(3)]. Since this project may result in substantial adverse impacts to EFH, an expanded EFH consultation would be necessary [§600.920(i)]. In preparing an expanded EFH consultation, we encourage you to include additional information in the EFH assessment such as results of on-site inspections, views of recognized experts, a review of pertinent literature, an analysis of alternatives and any other relevant information [50 C.F.R. §600.920(e)(4)]. Finally, depending on the degree and type of habitat impact, compensatory mitigation may be necessary to offset permanent and temporary effects of the project.

#### **Fish and Wildlife Coordination Act**

The Fish and Wildlife Coordination Act (FWCA) provides authority for our involvement in evaluating impacts to fish and wildlife from proposed water resource development projects and other human activities that may affect waters of the United States. The FWCA specifically requires that wildlife conservation be given equal consideration to other features of water resource development programs through planning, development, maintenance and coordination of wildlife conservation and rehabilitation. Wildlife and wildlife resources are defined by the Act to include: birds, fish, mammals and all other classes of wild animals and all types of aquatic and land vegetation upon which such wildlife dependent. These consultation and coordination activities are intended to prevent loss or damage to fish and wildlife resources and to provide appropriate measures to mitigate adverse impacts associated with proposed human activities.

While many of the impacts that would accrue to federally managed fishery resources under the MSA also would accrue to FWCA species, it is important to note that the interests of some species would not be represented adequately by relying on the EFH assessment alone. For instance, shellfish do not have an appropriate surrogate among the federally managed fishery resources that have EFH designated in the project vicinity and their needs and those of other non-represented species should be discussed at length in this section. Similarly, the behaviors and habitat needs of diadromous and estuary-dependent fishes may not be represented by a discussion surrounding marine fishes. The discussion for FWCA species should be designed around an ecological guild model that uses locally important species to evaluate the project impacts to organisms or populations associated with the various trophic levels and life history strategies exhibited by FWCA species known to occupy the project site as residents or transients. Focus should be on issues surrounding particular species, life history stages, or habitat components that would be most susceptible to the various potential impacts.

#### **Endangered Species Act Section 7 Consultation**

Section 7 of the Endangered Species Act (16 U.S.C. § 1536(a)(2)) requires Federal agencies to consult with the Secretary of Commerce, through NOAA, to insure that “any action authorized, funded, or carried out by such agency . . . is not likely to jeopardize the continued existence of any endangered species or threatened species or adversely modify or destroy [designated] critical habitat . . . .” See also 50 C.F.R. part 402. As ESA listed species under our jurisdiction will occur in the project areas (see below), and effects to these species are likely, consultation under the

**204-02:** Comment noted. The EFH Assessment addresses the topics raised in the comment. EFH consultation is ongoing.

The NYSPSC Certificate for the proposed CHPE Project requires the establishment of the Hudson River and Lake Champlain Habitat Enhancement, Restoration, and Research/Habitat Improvement Project Trust. The Trust would be funded in increments over 35 years, and the total funding would reach \$117 million. Any person can propose a project for funding, but approvable projects must serve to protect, restore, or improve biological resources such as the aquatic resources and fisheries resources in Lake Champlain or the Hudson, Harlem, or East rivers to minimize, mitigate, study, or compensate for the impacts and risks posed to these waterbodies by the CHPE Project.

**204-03:** Fish (including anadromous fish) and shellfish in the Hudson River and New York City Metropolitan Area segments and impacts on such are described in EIS Sections 3.3.4, 3.4.4, 5.3.4, and 5.4.4. As discussed in these sections (e.g., Page 5-109), “based on the proposed CHPE Project aquatic construction schedule (August 1 through October 15), impacts on many spawning fish would be avoided.” An analysis on Fish and Wildlife Coordination Act (FWCA) species, including anadromous species, has been added to the EFH Assessment as Section 3.2, in Section 4, and as Section 5.2.



ESA will be necessary (50 C.F.R. § 402.14). As such, further coordination will be necessary with our Protected Resources Division (PRD) to meet your obligations under section 7 of the ESA. In particular, we now expect the USDOE, designated the lead Federal Agency on this project, to submit a complete Biological Assessment to us including the information and analysis presented in your EIS and responding to the technical issues raised below, in order for us to complete consultation on the proposed action.

#### Resources within the Proposed Project Area

##### Essential Fish Habitat

Water salinity can be variable in the Hudson River as the salt front migrates due to tidal conditions, weather patterns and extreme weather events. Data has indicated that the salt front occurs on a daily basis as far south as Battery (River Mile (RM) 0) to as far north as Poughkeepsie (RM 77), but is generally found between RM 30 and 70 (NYSDEC 2012). Since these salinities may provide suitable habitat for species with EFH designations within the project area, we consider EFH to be located as far north as RM 77 in Poughkeepsie. This stretch of the Hudson River and its tributaries, as well as the East River and Harlem River have been designated as EFH for a number of federally managed species including Atlantic butterfish (*Peprilus triacanthus*), Atlantic sea herring (*Clupea harengus*), bluefish (*Pomatomus saltatrix*), black sea bass (*Centropristis striata*), red hake (*Urophycis chuss*), scup (*Stenotomus chrysops*), summer flounder (*Paralichthys dentatus*), winter flounder (*Pseudopleuronectes americanus*), windowpane flounder (*Scophthalmus aquosus*), clearnose skate (*Raja eglanteria*), little skate (*Leucoraja erinacea*), and winter skate (*Leucoraja ocellata*).

Winter flounder may be particularly vulnerable to the impacts of the proposed project. Sensitive life stages of this species tolerate wide salinity ranges, including 10‰ to 30‰ for eggs and 4‰ to 30‰ for larvae (Pereira *et al.* 1999), and are expected to be found in the project area. Winter flounder migrate into shallow water or estuaries and coastal ponds to spawn, and tagging studies show that most return repeatedly to the same spawning grounds (Lobell 1939, Saila 1961, Grove 1982 in Collette and Klein -MacPhee 2002). They typically spawn in the winter and early spring although the exact timing is temperature dependent and thus varies with latitude (Able and Fahay 1998). Winter flounder have demersal eggs that sink and remain on the bottom until they hatch. Winter flounder eggs, once deposited on the substrate, are vulnerable to sedimentation with decreased hatching success of eggs observed when covered in as little as 1 mm of sediment and burial in sediments greater than 2.5 mm have been shown to cause no hatch (Berry *et al.* 2011). After hatching, the larvae are initially planktonic, but following metamorphosis they assume an epibenthic existence. Winter flounder larvae are negatively buoyant (Pereira *et al.* 1999), and are typically more abundant near the bottom (Able and Fahay 1998). These life stages are less mobile and thus more likely to be affected adversely by cable installations and the associated turbidity impacts. As a federally managed species, winter flounder are harvested both commercially and recreationally, and are considered an aquatic resource of national importance. Winter flounder populations are in decline through much of their range so it is critical precautions are taken to minimize impacts to this species. To minimize impacts to winter flounder early life stages and their EFH, we generally recommend that activities be avoided from January 1 to May 31 of each year in areas that have been designated as EFH for winter flounder early life stages.

**Anadromous Fish**

Anadromous fish such as alewife (*Alosa pseudoharengus*), blueback herring (*Alosa aestivalis*) and American shad (*Alosa sapidissima*) spend most of their adult life at sea, but return to freshwater areas to spawn in the spring. These species are believed to be repeat spawners, generally returning to their natal rivers (ASMFC 1998; Collette and Klein-MacPhee 2002). Anadromous fish are found throughout much of the project area including the Harlem River, East River, and Hudson River. These species use the Hudson River and its tributaries as spawning, nursery and forage habitat. The abundance of diadromous fish in the Hudson River has declined over the decades largely due to over harvesting, pollution, and habitat loss (Limburg and Schmidt 1990, Waldman 2006, ASMFC 2007, 2009). Changes in fish distribution in the Hudson River watershed have also occurred due to passage through the canal system (Daniels 2001, Waldman 2006). Diadromous fish are known to pass through the navigation locks at the Federal Dam in Troy, moving into the Mohawk River and the Erie Canal (Waldman 2006). However, movements between the tidal Hudson River, the Mohawk River and the canal system are complex and poorly documented (Schmidt and Lake 2006).

Anadromous fish are a food source for several federally managed species. Buckel and Conover (1997) in Fahey *et al.* (1999) report that diet items of juvenile bluefish include *Alosa* species such as these. Juvenile *Alosa* species have all been identified as prey species for windowpane flounder and summer flounder in Steimle *et al.* (2000). The EFH final rule states that the loss of prey may have an adverse effect on EFH and managed species because the presence of prey makes waters and substrate function as feeding habitat and the definition of EFH includes waters and substrate necessary to fish for feeding. Therefore, actions that reduce the availability of prey species, either through direct harm or capture, or through adverse impacts to the prey species' habitat may also be considered adverse effects on EFH. As a result, activities that adversely affect the spawning success and the quality for the nursery habitat of these anadromous fish can adversely affect the EFH for juvenile bluefish, windowpane and summer flounder by reducing the availability of prey items.

Anadromous fish can be significantly impacted by both turbidity and acoustic impacts. Increases in turbidity due to the resuspension of sediments into the water column during construction can degrade water quality, lower dissolved oxygen levels, and potentially release chemical contaminants bound to the fine-grained estuarine/marine sediments. Suspended sediment can also mask pheromones used by migratory fishes to reach their spawning grounds and impede their migration and can smother immobile benthic organisms and demersal newly-settled juvenile fish (Auld and Schubel 1978; Breitburg 1988; Newcombe and MacDonald 1991; Burton 1993; Nelson and Wheeler 1997). Noise impacts are another factor that could delay or disrupt spawning, or even injure or kill fish. Of greatest risk for fish impacts are the gas-filled swim bladder and surrounding tissues that expand and contract with passage of pressure waves. The inner ears of fish are also sensitive to extreme pressures and motions (Popper *et al.* 2006). High-levels of acoustic exposure have been shown to cause physical damage and/or mortality in fishes. Damage and mortality rates increase with both the level of sound and length of exposure (Hastings and Popper 2005, Popper and Hastings 2009). Impacts of blasting and pile driving activities are of particular concern for fish species, as they are anthropogenic sound sources known to cause fish kills (Popper and Hastings 2009). In order to minimize the adverse effects of suspended sediment and noise impacts on migrating anadromous fish, we generally

recommend in-water work be avoided from March 1 to June 30 during the upstream migration to their spawning grounds.

In the mid-Atlantic, landings of anadromous species have declined dramatically since the mid-1960s and have remained very low in recent years (ASMFC 2007). Because landing statistics and the number of fish observed on annual spawning runs indicate a drastic decline in alewife and blueback herring populations throughout much of their range, they have been designated as species of concern. A recent listing determination for alewife and blueback herring found that listing under the ESA was not warranted at this time. However, it was recognized that there is a low abundance of these species relative to historical levels and monitoring is warranted due to significant deficiencies in data. Blueback herring were found to be decreasing within the Mid-Atlantic stock complex (F.R. Vol 78, No.155, Aug 12, 2013). Since river herring are classified as a species of concern and anadromous fish provide a food source for federally managed species, these populations are considered an aquatic resource of national importance.

#### **Benthic Resources**

Benthic communities play a significant role in the Hudson River ecosystem. Dominated by annelids, mollusks, crustaceans and insects, these benthic communities vary greatly throughout the system depending upon position of the river, salinity, nature of the bottom, and presence or absence of submerged aquatic vegetation (SAV). These communities play a critical role as suspension feeders and a food source for fish, including aquatic resources of national importance such as shortnose sturgeon, Atlantic sturgeon, blueback herring, and American shad (Strayer 2006). The benthic community biomass and filtration rates in the Hudson River Estuary significantly declined with the invasion of zebra mussels (Strayer 2006); however with the observed long-term decline in invasive zebra mussels in the watershed, parts of the ecosystem appear to be recovering toward pre-invasion levels, including benthic animals such as native mussels and clams (Strayer *et al.* 2011). Historically, the Hudson River estuary also supported a commercial scale oyster fishery. Benthic mapping and sampling efforts have revealed several historic oyster reefs near the Tappan Zee reach as well as live oysters in this area and Havestraw Bay (Bell *et al.* 2006). Restoration efforts for oysters are also currently ongoing.

Elevated levels of suspended sediments can interfere with spawning success, feeding, and growth for shellfish such as mussels, clams, and oysters (Wilber and Clark 2001). Shellfish provide an important ecological role through water column filtration, sediment stabilization as well as supplying habitat for estuarine species (Zimmerman *et al.* 1989, Coen *et al.* 1999, Newell 2004). Shellfish are also known to provide a food source for federally managed species, including winter flounder and scup (Steimle *et al.* 2000), two species with EFH designation in the project area.

Over twenty species of aquatic plants, both native and invasive, occur in the Hudson River with native water celery (*Vallisneria spiralis*) as the predominant SAV species. SAV in the tidal Hudson River occupies shallow shoals in depths less than 3 meters and covers approximately 6 percent of the river with the greatest coverage occurring in the mid-Hudson, from Kingston to Hudson and lower coverage south of Hyde Park (Findlay *et al.* 2006). SAV provides valuable nursery, forage and refuge habitat for a variety of fish including summer flounder, striped bass, bluefish, American shad, alewife, and blueback herring. SAV in the Hudson River has been



shown to contribute to primary production and habitat for benthic and fish species in the river (Findlay *et al.* 2006, Strayer 2006).

Impacts to SAV can include direct impacts through physical removal as well as indirect impacts such as sedimentation and shading. Loss of SAV is often attributed to reduced water quality and clarity resulting from elevated inputs of nutrients or other pollutants such as suspended solids and disturbances such as dredging (Kemp *et al.* 1983, Short *et al.* 1993, Short and Burdick 1996, Orth *et al.* 2006). Studies have confirmed that seagrasses are highly vulnerable to changes in sediment levels. With a low tolerance for sedimentation, indirect effects of post-disturbance processes can also greatly affect SAV (Cabaco *et al.* 2008).

The U.S. Environmental Protection Agency has designated SAV as "special aquatic sites" under the Section 404(b)(1) of the federal Clean Water Act, due to their important role in the marine ecosystem for spawning, nursery cover and forage areas for fish and wildlife. Furthermore, the Mid-Atlantic Fishery Management Council has designated SAV as a Habitat Area of Particular Concern when associated with juvenile and adult summer flounder EFH. This includes all native species of macroalgae, seagrasses and freshwater and tidal macrophytes in any size bed as well as loose aggregations within EFH. Due to the value of this habitat for federally managed species, SAV is considered an aquatic resource of national importance.

#### **ESA Listed Species**

ESA listed species will be found within the portion of the cable transmission route located in the Hudson River and East River. Listed species of Atlantic and shortnose sturgeon will be found in the Hudson River, while listed species of Atlantic sturgeon, shortnose sturgeon, and sea turtles may be found in the East River. The use and distribution of each species within each affected waterbody is provided below.

#### **Hudson River**

##### **Shortnose Sturgeon**

A population of the federally endangered shortnose sturgeon occurs in the Hudson River. Shortnose sturgeon have been documented in the Hudson River from upper Staten Island (approximately rkm 4.8) to the Troy Dam (approximately rkm 245). From late fall to early spring, adult shortnose sturgeon concentrate in a few overwintering areas. The largest overwintering area is just south of Kingston, New York, near Esopus Meadows (rkm 139-152) (Dovel *et al.* 1992). The fish overwintering at Esopus Meadows are mainly spawning adults. Captures of shortnose sturgeon during the fall and winter from Saugerties to Hyde Park (greater Kingston reach), indicate that additional smaller overwintering areas may be present (Geoghegan *et al.* 1992). Both Geoghegan *et al.* (1992) and Dovel *et al.* (1992) also confirmed an overwintering site in the Croton-Haverstraw Bay area (rkm 54-61). Fish overwintering in areas below Esopus Meadows are mainly thought to be pre-spawning adults. Typically, movements during overwintering periods are localized and fairly sedentary.

When water temperatures reach 8-9°C, typically in late March through mid-April, reproductively active adults begin their migration upstream to the spawning grounds that extend from below the Federal Dam at Troy to about Coeymans, New York (river kilometer (rkm) 245-212) (Dovel *et*

*al.* 1992). Spawning typically occurs at water temperatures between 10-18°C (generally from late April through May) after which adults disperse quickly down river into their summer range. In fact, Dovel *et al.* (1992) reported that spawning fish tagged at Troy were recaptured in Haverstraw Bay in early June. The broad summer range occupied by adult shortnose sturgeon extends from approximately rkm 38 to rkm 177. Similar to non-spawning adults, most juveniles occupy the broad region of Haverstraw Bay (rkm 54-61) by late fall and early winter (Geoghegan *et al.* 1992; Dovel *et al.* 1992). Juveniles are distributed throughout the mid-river region during the summer (rkm 38-152) and move back into the Haverstraw Bay region during the late fall (Bain *et al.* 1998; Geoghegan *et al.* 1992). Eggs and larvae are expected to be present within the vicinity of the spawning grounds for approximately four weeks post spawning (i.e., at the latest, through mid-June).

#### ***Atlantic Sturgeon***

Use of the river by Atlantic sturgeon has been described by several authors. Briefly, spawning likely occurs in multiple sites within the river from approximately rkm 56 to rkm 182 (Dovel and Berggren 1983; Van Eenennaam *et al.* 1996; Kahnle *et al.* 1998; Bain *et al.* 2000). Selection of sites in a given year may be influenced by the position of the salt wedge (Dovel and Berggren, 1983; Van Eenennaam *et al.* 1996; Kahnle *et al.* 1998). The area around Hyde Park (approximately rkm 134) has consistently been identified as a spawning area through scientific studies and historical records of the Hudson River sturgeon fishery (Dovel and Berggren, 1983; Van Eenennaam *et al.* 1996; Kahnle *et al.* 1998; Bain *et al.* 2000). Habitat conditions at the Hyde Park site are described as freshwater year round with bedrock, silt and clay substrates and waters depths of 12-24 m (Bain *et al.* 2000). Bain *et al.* (2000) also identified a spawning site at rkm 112 based on tracking data. The rkm 112 site, located to one side of the river, has clay, silt and sand substrates, and is approximately 21-27 m deep (Bain *et al.* 2000).

Young of year have been recorded in the Hudson River between rkm 60 and rkm 148, which includes some brackish waters; however, larvae must remain upstream of the salt wedge because of their low salinity tolerance (Dovel and Berggren 1983; Kahnle *et al.* 1998; Bain *et al.* 2000). Catches of immature sturgeon (age 1 and older) suggest that juveniles utilize the estuary from the Tappan Zee Bridge through Kingston (rkm 43- rkm 148) (Dovel and Berggren 1983; Bain *et al.* 2000). Seasonal movements are apparent with juveniles occupying waters from rkm 60 to rkm 107 during summer months and then moving downstream as water temperatures decline in the fall, primarily occupying waters from rkm 19 to rkm 74 (Dovel and Berggren 1983; Bain *et al.* 2000). Based on river-bottom sediment maps (Coch 1986), most juvenile sturgeon habitats in the Hudson River have clay, sand, and silt substrates (Bain *et al.* 2000). Newburgh and Haverstraw Bays in the Hudson River are areas of known juvenile sturgeon concentrations (Sweka *et al.* 2007). Sampling in spring and fall revealed that highest catches of juvenile Atlantic sturgeon occurred during spring in soft-deep areas of Haverstraw Bay even though this habitat type comprised only 25% of the available habitat in the Bay (Sweka *et al.* 2007). Overall, 90% of the total 562 individual juvenile Atlantic sturgeon captured during the course of this study (14 were captured more than once) came from Haverstraw Bay (Sweka *et al.* 2007). At around 3 years of age, Hudson River juveniles exceeding 70 cm total length begin to migrate to marine waters (Bain *et al.*, 2000).

Please note, as the New York Bight DPS of Atlantic sturgeon is the only DPS of Atlantic sturgeon that spawns in the Hudson River, the information provided above only applies to this DPS. However, other DPSs of Atlantic sturgeon (i.e., Gulf of Maine and Chesapeake Bay) are known to be present within the Hudson River. As such, subadult and adult Atlantic sturgeon from any DPS may be present within the Hudson River.

#### **East River**

##### ***Shortnose Sturgeon***

There have been no documented captures of shortnose sturgeon in the East River; however, shortnose sturgeon have been captured near the confluence of the East River and New York Harbor and at least two shortnose sturgeon tagged in the Hudson River have been recaptured in the Connecticut River. As there have been no documented captures of shortnose sturgeon in the area where the East River converges with Long Island Sound, it is unknown whether these fish traveled through the East River and through Long Island Sound (the most direct route) or exited New York Harbor into the Atlantic Ocean and swam around southern Long Island and back into Long Island Sound. Based on this information, although the East River is not expected to be a high use area for shortnose sturgeon, occasional transient shortnose sturgeon may be present in the East River.

Due to the distance from shortnose sturgeon spawning grounds in the Hudson River (i.e., greater than 200 km downstream of the project area) and the higher salinity of the East River, shortnose sturgeon eggs or larvae, whose occurrence is limited to the low salinity waters near the spawning grounds, and young of the year, whose occurrence is also restricted to areas of low salinity, will not occur in the project area.

##### ***Atlantic Sturgeon***

Atlantic sturgeon are known to occur in the East River. Atlantic sturgeon spawn in their natal river, with spawning migrations generally occurring during February-March in southern systems, April-May in Mid-Atlantic systems, and May-July in Canadian systems (Murawski and Pacheco 1977; Smith, 1985; Bain 1997; Smith and Clugston 1997; Caron *et al.* 2002). Young remain in the river/estuary until approximately age 2 and at lengths of 30-36 inches before emigrating to open ocean as subadults (Holland and Yelverton 1973; Dovel and Berggren 1983; Dadswell 2006; ASSRT 2007). After emigration from the natal river/estuary, subadults and adult Atlantic sturgeon travel within the marine environment, typically in waters between 16 to 164 feet in depth, using coastal bays, sounds, and ocean waters (Vladykov and Greeley 1963; Murawski and Pacheco 1977; Dovel and Berggren 1983; Smith 1985; Collins and Smith 1997; Welsh *et al.* 2002; Savoy and Pacileo 2003; Stein *et al.* 2004; Laney *et al.* 2007; Dunton *et al.* 2010; Erickson *et al.* 2011). Therefore, adult and subadult Atlantic sturgeon from any of five DPSs could occur in the project area; however, as Atlantic sturgeon spawn in freshwater portions of large rivers and early life stages are not tolerant of salinity, no eggs, larvae or juvenile Atlantic sturgeon are likely to occur in the project area.

##### ***Sea Turtles***

Four species of federally threatened or endangered sea turtles under our seasonal jurisdiction of NMFS occur seasonally (June to early November) in New York waters. The sea turtles in these

waters are typically small juveniles with the most abundant being the federally threatened loggerhead (*Caretta caretta*) followed by the federally endangered Kemp's ridley (*Lepidochelys kempii*). New York waters have also been found to be warm enough to support federally endangered green sea turtles (*Chelonia mydas*) from June through October. While federally endangered leatherback sea turtles (*Dermochelys coriacea*) may be found in the waters off Long Island during the warmer months, this species is less likely to occur in the action area for this project as leatherbacks are typically found in more offshore waters.

There have been no documented captures of sea turtles in the East River and it is not likely to be a high use area for these species. However, as the East River is a tidal strait with water passage between Upper New York Harbor/Manhattan and Long Island Sound, and sea turtles are known to occur in western Long Island Sound, occasional transient sea turtles may occur within the East River.

**Memorandum of Agreement (MOA) 3(b) determination of impacts to Aquatic Resources of National Importance**

Based on the limited information provided within DEIS and Public Notice, we have determined that the proposed project will result in adverse impacts to aquatic resources of national importance. These impacts include elevated turbidity impacts to fish sensitive life stages, migration, and habitat; acoustic impacts through pile driving and blasting; direct loss of SAV, benthic communities, and shellfish resources; permanent fill and modification of bottom habitat; as well as potential elevations in temperature and electromagnetic fields along the substrate during project operation. Therefore, we must conclude that this project will have substantial and unacceptable adverse effects on aquatic resources of national importance pursuant to Part IV, Paragraph 3(b) of the 1992 Clean Water Act Section 404(q) Memorandum of Agreement (MOA) between the USACE and our agency. We recommend, pursuant to Part IV, Paragraph 3(b) of the MOA, that you provide us the following information so we may fully evaluate the impacts of this project on our trust resources.

**Additional Information Needs**

**EFH Assessment**

Your consultation requirements under the MSA and FWCA are outlined above. Unfortunately, our ability to assess potential impacts to EFH and associated marine resources is being complicated by a lack of information. The information required for us to consult on this project, specifically an EFH Assessment, is not included in either the DEIS or the Public Notice. Rather, the DEIS states that an EFH Assessment will be provided with the Final EIS. We are greatly concerned with this timeline, as our consultation cannot begin without receipt of an EFH Assessment. Incorporation of an EFH Assessment in the Final EIS does not provide us with sufficient time to review the information and provide comments or conservation recommendations. The EFH consultation should be conducted prior to the issuance of the Final EIS to ensure that EFH conservation recommendations may be incorporated into the project plans and included in the final document and permit conditions.

204-04

**204-04:** Because the proposed CHPE Project would cross under the East River via HDD and that sea turtles are occasional transients, no effects on sea turtles are expected. Text regarding such was added to the Final EIS (in Sections S.8.5, 2.6.5, and 3.4.5) and the BA.

204-05

**204-05:** These potential impacts have been addressed in EIS Sections 5.3.4 and 5.4.4 (which also incorporated discussion from Section 5.1.4 by reference), BA (in particular, note Table 5-1), and EFH Assessment (in particular, note Table 4-1).

204-06

**204-06:** The EFH Assessment has been prepared and made available for National Marine Fisheries Service (NMFS) review prior to the publication of the Final EIS. EFH consultation is ongoing, and EFH conservation recommendations have not yet been received.

We believe that the information included in the DEIS for this project is an incomplete assessment and lacks a full analysis of the project components. Before you proceed with preparing an EFH assessment, we recommend that you coordinate with us to ensure that the list of designations is complete and that we mutually agree that the nature and scope of issues that you plan to include in the EFH assessment will adequately present and analyze the direct, indirect, and cumulative effects of the project both during its construction and in the interim until it is decommissioned. The information provided in this letter is intended to assist in the development of a complete EFH assessment. Upon submittal of an EFH assessment, we will provide conservation recommendations for the proposed project, as necessary.

#### ESA Assessment

Your consultation requirements under the ESA are outlined above. As the DEIS states that a Biological Assessment (BA) will be prepared for purposes of ESA section 7 consultation, the additional informational and analyses requested below for the DEIS, should also be incorporated and used in the development of your BA. Please note, a BA must provide us with sufficient information to allow us to carry out a section 7 consultation for the action identified. That is, the information provided in the BA must be sufficient to demonstrate that the direct and indirect effects of the action on NMFS listed species are not likely to jeopardize the continued existence of any species or result in the destruction or adverse modification of critical habitat. We look forward to reviewing the information and analyses requested below in your BA. Prior to submitting your BA, if you have any questions or concerns regarding information or analyses requested, or the ESA section 7 process in general, please contact us.

#### Project Information Needs

The DEIS indicates an Environmental Management and Construction Plan (EM&CP) will be developed which would document environmental and construction management procedures and plans to be implemented during project construction and facility operation. This level of specific information on management and construction plans and procedures is necessary for review prior to completing a consultation under MSA, FWCA, and ESA. This information should be included as a component of the project description for the EFH Assessment and the BA. The DEIS also indicates the final EM&CP would be developed in consultation with the New York State Department of Public Service (NYSDPS) and the New York State Department of Environmental Conservation (NYSDEC). We would request the federal resource agencies also be consulted on the development of these plans, as we may have additional recommendations for ensuring impacts to our trust resources are minimized.

The DEIS indicates that there will be some locations throughout the project area where burial of the cable to the preferred depth is not possible due to existing utility lines and/or shallow bedrock substrate. In such cases, the cables would be buried at a shallower depth or laid on the bottom. Concrete mats or rip-rap would be installed on the substrate to help protect the proposed transmission line. The DEIS offers little information on the extent and locations of the concrete mats. The USACE Public Notice provides some information on anticipated non-burial locations, of which several are located within areas designated as Significant Coastal Fish and Wildlife Habitats (SCFWHs) (NYSDEC 2012). More information regarding the specific locations of the concrete mats, the extent of area to be impacted, the recovery rate within each of these affected locations, and the resources present in these locations is necessary. Additional information is

**204-07:** A BA has been prepared and made available to NMFS prior to the publication of the Final EIS. In addition, decommissioning has been addressed in the Final EIS (in Sections 2.4.15, 5.1.2, 5.3.2, and 5.4.2), BA, and EFH Assessment (at the end of Section 2.5.4, in the introduction to Section 4, and at the end of Section 4.2), as appropriate, as requested in the preceding paragraph in the comment.

**204-08:** While the EM&CP is not yet available, a comprehensive list of avoidance and minimization measures has been developed by the Applicant and provided in EIS Appendix G. These include pre- and post-installation monitoring surveys for benthic macroinvertebrates and sediment, bathymetry surveys, and Atlantic sturgeon hydrophone surveys that were identified in the NYSPSC Certificate of Environmental Compatibility and Public Need for the CHPE Project issued in April 2013. These measures have been considered in the impact analysis in the Draft EIS and are included in the EFH Assessment (Section 6) and the BA (Section 2.6). The Applicant will make the draft EM&CP available for public comment.

**204-09:** Additional information on concrete mats has been provided by the Applicant and added to the Final EIS (Section 5.3.5 and other similar sections), EFH Assessment (Section 4.1, starting on the second page of the *Riverbed Disturbance* subsection), and BA (Section 5).

also needed on the direct and indirect effects to our trust resources from placing these structures in the Hudson River. The placement of concrete matting or rip-rap will result in the removal of the underlying benthic community, as well as result in a permanent change in substrate from soft sediments to hard. These changes will not only effect the structure of the benthic community in the affected area, but also may affect our trust resources use of the affected area (e.g., relocate to different area for spawning, foraging, or overwintering), specifically if these changes are located in a SCFWH. As a result, additional analyses is necessary on the short and long term (i.e., 40 years) effects of such habitat modifications to our trust resources. This information needs to be included in the EFH Assessment and BA.

The Public Notice and DEIS indicate that burial at sites with bedrock substrate may be done to a shallower depth; however, no details are offered on how the cable would be buried to any depth in these areas. A reference in Chapter 2 of the DEIS indicates that blasting may be used to create a trench and bury the cable; however, no further details are provided. Blasting could have significant impacts on aquatic resources of national importance, resulting in physical injury and death in fish (i.e., peak pressure levels above, 75.6 psi, and peak impulse levels above 18.4 psi-msec, are believed to cause injury or mortality to species of fish, including sturgeon; Moser 1999; Hastings and Popper 2005, Popper *et al.* 2006, Popper and Hasting 2009). If the project includes any proposals for blasting, areas to be blasted need to be identified, and a thorough assessment of the acoustic impacts to our trust resources, as well as the short and long term effects to the benthic community and habitat from such activities is necessary. Additionally, a blast plan must be created and submitted for our review. Detailed information on other forms of burial that may be considered at sites with bedrock (e.g., scraping of bedrock), as well as an analysis of effects to our trust resources from such activities is also needed. This detailed information and analysis needs to be included in the EFH Assessment and BA.

Installation of the transmission cable will require multiple installation methods (e.g., jet plowing, placement of concrete matting, blasting (if required), excavation) which will affect the benthic community of the Hudson River. The DEIS states that effects to the benthic community will be temporary, and localized, with recolonization occurring over time. However, there is lack of information on recovery rates for benthic communities affected by different installation methods along the cable route, as well as a lack of information on the permanent changes to the benthic community that may occur. As a result, more detailed information and analyses is needed on expected recovery rates, the anticipated permanent impacts to benthic communities, as well as the short and long term effects to our trust resources as a result of these changes to the benthic community. Specifics should also be provided on proposed plans for surveys of the cable trench, monitoring of impacts to benthic communities, and backfilling of the trench to ensure the bathymetry is returned to existing conditions. All of this information and analysis needs be included in the EFH Assessment and BA.

A substantial amount of fill is also proposed throughout the project area, including low thermal backfill material, concrete mats, and rip rap. Additional information on the proposed locations for fill, extent of material, and a thorough assessment of impacts to benthic communities is needed. For example, Chapter 2 of the DEIS states that low thermal backfill material will be used instead of native soil in portions of the project. In addition to detailed information on project location and extent of material proposed, an evaluation of impacts including available

↑ 204-09

**204-10:** The Applicant has indicated that the transmission line would be laid on the surface and covered with concrete mats for approximately 3.0 miles (4.8 km) of the 195-mile (314-km) aquatic portion of the project route, and one blasting location is proposed at MP 324.5 in the Harlem River. Additional information and analysis on concrete mats (see response to Comment 204-09) and blasting from the Applicant have been added to the Final EIS in various sections, EFH Assessment (*Blasting* subsection of Section 4.1), and BA.

204-10

**204-11:** The Applicant plans to include a detailed blasting plan as part of its EM&CP, which the Applicant will make available for public comment. The detailed blasting plan would not include any area beyond that identified for blasting in the EIS, and, therefore, would not exceed the effects identified in or require additional mitigation beyond that described in the EIS, EFH Assessment, and BA. Scraping of bedrock is not proposed, but burial with concrete mats over bedrock is and this method is fully described in the EIS, EFH Assessment, and BA. See response to Comment 204-10.

204-11

**204-12:** Information on recovery rates is provided in Sections 5.1.4 and 5.3.4 of the EIS. This information has been incorporated and additional information supplemented into Section 4.1 of the EFH Assessment.

204-12

**204-13:** Information on surveys and post-installation compliance monitoring studies, including for benthic and sediment monitoring and bathymetric monitoring, has been added to the BA (Section 2.6) and EFH Assessment (Section 6) from the attachments to the NYSPSC Certificate. The Certificate contains attachments that provide additional details about the surveys.

204-13

204-14

**204-14:** Use of backfill material would predominantly occur in the Overland Segment and other terrestrial portions of the proposed CHPE Project, which is not under NMFS jurisdiction. The cofferdam locations for the water exit points associated with the five HDD water-to-land transition points would also be backfilled with approximately 180 cubic yards of sand at each location. Approximately 1,200 tons of rock would be excavated from the 460-foot (140-meter) trench through bedrock in the Harlem River, which would be backfilled with sand and the excavated rock. This would be a negligible impact compared to the available habitat. See response to Comment 204-10 regarding concrete mats.



data on benthic infauna colonization in this material is needed. A discussion of invasive species should be included in any analysis that evaluates impacts of rip rap or concrete mat placement. Chapter 3 of the DEIS includes some discussion of invasive species, recognizing the concerns of invasive populations in the Hudson River; however, there is no further analysis on how the project may affect invasive species populations in the project area. Additional analysis should be provided on how the proposed project, particularly the increase of artificial habitat such as rip rap or concrete mats may affect the proliferation of invasive species.

The total area of impact for the project is not clear based on the information provided in the Public Notice and the DEIS. The Public Notice defines the area of impact from cable burial in terms of the length in each water body, as well as the width and depth of the trench, which range from approximately 2 feet wide by 4 to 15 feet deep. However, Chapter 2 of the DEIS states the total benthic habitat impacts from cable installation throughout the project area would be small, with direct impacts ranging from 12-16 feet. The inconsistency between the Public Notice information and the DEIS should be clarified. Additionally, as multiple construction activities and equipment will be used to install the cable across the Hudson River (i.e., jet plowing, anchors, concrete matting placement, blasting (if required) or excavation), the total area of impact is not solely confined to the area of the trench. Depending on the installation method used at various points along the cable route, the total area of impact may vary depending on the installation method used, and the direct and indirect effects (e.g., extent of turbidity and sediment resettlement) of that method on the benthos. As such, consideration of the cumulative effects to the physical environment (including water quality, see below) from construction activities along the cable route is needed to accurately define the total area of the Hudson River impacted by the proposed project. This information and analysis needs to be included in the EFH Assessment and BA.

In Chapter 3 of the DEIS, the region of influence for impacts to water resources and water quality in the Hudson River is defined as the entire width of the water body. Impacts to water quality have the potential to impact our trust resources directly and indirectly. The DEIS states that "the sensitivity of fish to localized and temporary increases in turbidity, suspended sediment, and downstream sedimentation is species- and life stage- specific, and associated impacts might include impairment to feeding, predator detection and reduced breeding activity." The DEIS does not expand upon this statement to address these potential effects to our trust resources. As a result, detailed information and analysis is needed to address these concerns in relation to our trust resources. Additionally, the DEIS states that water quality degradation may also affect DO, pH and light levels, but again, does not expand upon its statement in relation to the effects of these changes in water quality to our trust resources. As a result, additional analysis is needed to address these concerns.

The DEIS states that there will be impacts to SAV, shellfish and benthic habitats; however, there is limited detail on these impacts within the DEIS or Public Notice. With regards to SAV, there are no specifics on the species of SAV to be impacted, the location of the impacted beds, or the extent of area to be impacted. There is also no discussion on any proposed mitigation to compensate for loss of this valuable habitat. These details are also missing for the evaluation of impacts to shellfish species, including the extent of impacts to shellfish beds, the specific location and species being impacted, and any proposed mitigation. As areas of SAV and shellfish

- 204-14 **204-15:** A discussion of impacts from concrete mats is provided in EIS Section 5.1.4. This discussion has been expanded to include impacts from invasive species, which is now included in the Final EIS and EFH Assessment (Section 4.1).
- 204-15
- 204-16 **204-16:** The EIS assumed a 50-foot-wide impact area that is wider than the trench and also accounts for nearby and downstream settling of suspended sediment following installation of the transmission line, and the assumptions used to determine this area were presented in EIS Section 5.1.4. The impact area is within the 50-foot construction corridor for the aquatic portions of the proposed CHPE Project route shown in EIS Table 2-1 and construction zone shown in Attachment 2 of the USACE Public Notice for the proposed CHPE Project. The 50-foot-wide impact area used in the EIS is wider than that identified in the Public Notice introduction, which only appears to reflect the physical width of the trench.
- 204-17
- 204-18 **204-17:** Turbidity impacts are discussed in Sections 5.3.4 and 5.4.4 of the EIS (and incorporate discussion in Section 5.1.4 by reference). Additional information about use of anchors and measures to minimize impacts during installation has been added to the Final EIS (Section 5.3.4), BA (Section 5), and EFH Assessment (*Riverbed Disturbance* subsection of Section 4.1). However, cumulative impacts from turbidity would be expected to be temporary. This information also has been incorporated into the EFH Assessment.
- 204-19 **204-18:** An assessment of the impacts from the issues raised in the comment on aquatic resources was provided in Sections 5.1.4 and 5.3.4 of the EIS.
- 204-19:** Detailed analyses of impacts on submerged aquatic vegetation (SAV), shellfish, and benthic habitats are provided in Sections 5.3.4 and 5.4.4 of the EIS. According to this analysis, because the transmission line would avoid all mapped SAV beds in the Hudson River and the water depth where the transmission line would be buried would be greater than where SAV is typically found, any impacts on SAV would be negligible and any impacted SAV would be expected to recover. Installation of the transmission

line in the Hudson River would result in potential impacts on shellfish and benthic communities from localized removal or burial of communities, from turbidity, and potentially from spills or leaks of hazardous materials; and would interfere in localized areas with spawning of some shellfish species, such as blue mussel, northern quahog, and softshell clam. Significant impacts on benthic resources would not be anticipated from temperature increase during operation of the transmission line.



beds also serve as important habitat for the completion of essential life functions (e.g., spawning or foraging) for both listed (i.e., Atlantic and shortnose sturgeon) and non-listed federally managed species of fish, information and analysis is also needed on the short and long term (i.e., 40 years) effects to fish species from the removal of or disturbance to these areas. Detailed information and analysis on the above is needed in the EFH Assessment and the BA to fully evaluate the direct and indirect effects of this project on all trust resources.

The DEIS includes some discussion on electric and magnetic fields and temperature impacts; however, the conclusion outlined in the DEIS which states insignificant impacts are anticipated, is not well supported with references to specific studies. Furthermore, the discussion of species impacts is limited in scope. There is no discussion on how electric fields, magnetic fields, or temperature changes could impact sensitive life stages for ESA listed species or federally managed species with EFH designations in the project area. There is also no discussion on how, over the 40 year life of the project, these electric or magnetic fields, or temperature changes may affect our trust resources and their habitat. A thorough review and assessment of the direct and indirect effects of electric and magnetic fields on our trust resources, as well as the aquatic resources they depend on for survival (e.g., forage species), is needed. For instance, there is limited discussion on impacts of electric or magnetic fields to American eel, a species which may be impacted throughout its entire range from the lower Hudson to Lake Champlain. Chapter 5 of the DEIS provides some information on eel studies which indicate these species may respond to electromagnetic fields (EMF) from weak magnetic fields, though implications are unknown (Normandeau *et al.* 2011, Gill *et al.* 2012). In addition, there is limited discussion on the effects of electric and magnetic fields to species of sturgeon. Although some information is presented on magnetic fields effects on sturgeon behavior, the information presented on electric fields is limited and provides no substantive evidence to support an insignificant determination. The DEIS needs to provide information on the electric field to be emitted by the proposed project, as well as scientific studies on sturgeon responses to various levels of electric fields. Based on this information, implications to sturgeon from exposure to project related electric fields are needed to support a determination of effects. In regards to temperature effects, the DEIS states that any increase in temperature, as a result of the operation of the transmission line, will result in insignificant effects to our trust resources. The DEIS provides insufficient information to support this conclusion. Consideration of the ambient temperatures in the affected water body; temperature tolerances of our trust resources and the benthic community (e.g., infaunal and sessile organisms); whether the changes in temperature are within the species threshold of tolerance; and an assessment of short and long term effects of elevated temperatures on our trust resources and the benthic community, is necessary. Given the limited information available and the unknown implications of this project on American eel and Atlantic and shortnose sturgeon, the DEIS should include specific information on how the applicant proposes to minimize impacts to American eel, sturgeon, and other species as well as monitor any potential effects.

We understand that specific exclusion zones along the project area were delineated through coordination with NYSDEC in 2010 to ensure sensitive resource areas were avoided along the cable route. The State of New York and others have been conducting research in these water bodies since 2010. It is critical to ensure the best available information is used to evaluate impacts, particularly for a project of this scale. A full analysis of any new information should be

**204-20:** A detailed discussion of the impacts of magnetic and electric fields, including on species of sturgeon, is provided in Section 5.3.5 of the EIS. Note that this discussion also incorporates the analysis in Sections 5.1.4 and 5.1.5 by reference. Impacts from magnetic and electric fields are expected to be negligible. As such, long-term impacts are not expected. Additional information regarding impacts from magnetic and electric fields has been added to the EIS, BA (Section 5.1), and EFH Assessment (Section 4.2).

**204-21:** A detailed discussion of the impacts of temperature increases, including on species of sturgeon, is provided in EIS Section 5.3.5. Also see response to Comment 204-22 on temperature increases.

**204-22:** The analysis of impacts on benthic resources in Sections 5.3.4 and 5.4.4 of the EIS has been revised to reflect the analysis in Section 5.1.4. The temperature increase at the sediment surface directly above the cable is estimated to diminish by 1.8 degrees Fahrenheit (°F) (1.0 degrees Celsius [°C]), and the temperature change in the water column would be less than 0.01 °F (0.004 °C). Because the temperature increase is within the range of natural variability, a significant impact on the benthic community, including infaunal and sessile organisms, is not expected.

**204-23:** The exclusion zones were developed and the transmission line routed to avoid such in 2011 in cooperation with the State of New York (NYSDEC in particular). If new information has become available, the state would be expected to reevaluate the exclusion zones and the transmission line route. The NYSPSC and associated settlement parties (including NYSDEC) have approved and issued the NYSPSC Certificate for the proposed CHPE Project, and the state has not identified a need to revisit the exclusion zones or the construction windows.

provided to determine if any additional exclusion zones are warranted or if any modification of work windows is needed. An analysis of the most appropriate cable route should be based on the most updated and best available information. This information will be necessary to conduct our consultations on this project.

The DEIS needs to also provide specific information on the schedule of construction and installation of the transmission cable. A detailed timeline of when and where specific components of construction and installation will begin and end are necessary (e.g., mobilization, HDD operations, cofferdam installation, jet plowing). Additionally, more specific information on the time of year (TOY) work windows along the entire project is needed. The EIS, BA, and the EFH Assessment should clearly state what species are considered for each work window. Chapter 5 of the DEIS, states that some work may overlap with the spawning season for some forage fish. Additional information on the species of forage fish to be impacted as well as the expected impacts should be provided. Furthermore, there does not appear to be any TOY restrictions to protect sensitive life stages of species with designated EFH in the project area. Winter flounder have demersal eggs that sink and remain on the bottom until they hatch. These eggs, once deposited on the substrate, are vulnerable to sedimentation effects in less than 1 mm of sediment (Berry *et al.* 2011) and could be adversely impacted by this project. A full analysis of project impacts on species with designated EFH, in addition to plans to minimize impacts to EFH should be included in the EFH Assessment.

The DEIS provides limited information on vessel traffic and the potential for collisions with Atlantic and shortnose sturgeon. The DEIS does not provide information on the type or number of vessels that will be used during mobilization, installation or maintenance/repair of the transmission cable, or the speeds their operating. Although the DEIS states that within shallow water areas or within the construction corridor, vessels will operate at idle speeds, "idle speeds" are not defined. Additionally, the speeds of vessels operating outside of shallow water areas/construction corridors or during the mobilization, maintenance, or repair of the cable are not addressed. Information on the draft of each vessel involved in the construction, maintenance, and repair of the cable is also needed. In addition, the DEIS states that Atlantic sturgeon are demersal fish, that spend most of their time on the bottom and therefore, would avoid collisions due to the draft clearance available in the project area. This statement is not accurate. Atlantic sturgeon movements are not confined to the benthos. Although foraging behavior occurs on the benthos, while migrating, Atlantic sturgeon are often found in the water column and thus, there is the potential for an interaction if there is not sufficient clearance between the benthos and the draft of the vessel and vessels. Additional analysis and information is therefore needed to support the DEIS's conclusion that vessel interactions with sturgeon are unlikely.

The DEIS lacks sufficient information on the underwater acoustic effects to listed species of Atlantic and shortnose sturgeon. Installation of cofferdams, the potential use of dynamic positioning vessels during cable laying operations, and blasting (see above for discussion) will result in elevated levels of underwater noise that have the potential to result in the injury or behavioral disturbance to sturgeon. Based on the best available information, underwater noise levels of 206 dB re 1  $\mu\text{Pa}_{\text{peak}}$  and 187 dB accumulated sound exposure level ( $\text{dB}_{\text{SEL}}$ ; re:  $1\mu\text{Pa}^2\cdot\text{sec}$ ) (183 dB accumulated SEL for fish less than 2 grams) are believed to result in injury or mortality to sturgeon (FHWG 2008), while underwater noise levels of 150 dB re 1  $\mu\text{Pa}_{\text{RMS}}$  are

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**204-24:** The construction schedule is presented throughout the EIS (e.g., Table 2-2, Table 5.3.5-1). As stated in EIS Section 5.3.4, "Based on the proposed CHPE Project aquatic construction schedule (August 1 through October 15), impacts on many spawning fish would be avoided (see Table H.2-3 in Appendix H for fish spawning seasons). However, it would overlap with parts of the spawning season for some forage fish such as bay anchovies, killifish, sticklebacks, and sheepshead minnows, and some commercially or recreationally important fish such as blueback herring, Atlantic menhaden, and weakfish." Additional information on construction schedule timing and these potential impacts has been provided in the EFH Assessment. A detailed construction schedule will be provided by the Applicant in its EM&CP.

Section 5.3.4 of the EIS states that winter flounder eggs are demersal and are susceptible to light, noise, and turbidity-related impacts. These impacts would temporarily degrade EFH and would be localized in scope. The EFH Assessment provides a full analysis of impacts on species with designated EFH, and includes avoidance and minimization measures that the Applicant would undertake to avoid or reduce environmental impacts during construction and operation of the proposed CHPE Project.

**204-25:** The information on the number and types of vessels is provided in Sections 5.3.2 and 5.4.2 of the EIS. Additional information and an analysis for vessel drafts and idle speeds have been added to these sections of the EIS as well as the BA (Section 5) and EFH Assessment (*Vessel Strikes* subsection of Section 4.1).

**204-26:** This statement has been clarified in the EIS, BA, and EFH Assessment. The Biological Opinion for the Tappan Zee Bridge states, "Large vessels have been implicated because of their deep draft [up to 12.2-13.7 m (40-45 feet)] relative to smaller vessels [ $<4.5$  m (15 feet)], which increases the probability of vessel collision with demersal fishes like sturgeon, even in deep water. Smaller vessels and those with relatively shallow drafts provide more clearance with the river bottom and reduce the probability of vessel-strikes. Because the construction vessels (tug boats, barge crane, hopper scow) have relatively shallow drafts, the chances of vessel-related mortalities are expected to be low."

believed to result in the behavioral disturbance to sturgeon (Purser and Radford 2011; Wysocki *et al.* 2007). The DEIS needs to provide information on the source levels for type of acoustic disturbance; Peak, RMS, and cSEL levels of underwater noise for each noise producing activity; the distance from the source that injury or behavioral thresholds will be attained; and the duration of the disturbance.<sup>2</sup> Based on this information, the DEIS needs to provide a thorough analysis on the effects of this exposure to Atlantic and shortnose sturgeon. Consideration of the time of year, location of disturbance, and extent of ensonification will be necessary in this analysis. This detailed information and analysis needs to be included in the BA.

The DEIS states that no effects on federally listed sea turtles is expected. A portion of the transmission cable will be installed in the East River, an area where listed species of sea turtles may occur. Should construction occur during the months of June through October, when sea turtles are present, the DEIS needs to then provide a detailed analysis of the direct and indirect effects to sea turtles resulting from the installation of the transmission cable in the East River. This information and analysis also needs to be provided in the BA.

The DEIS indicates that the project will impact five areas designated as Significant Coastal Fish and Wildlife Habitat (SCFWH) by the State of New York. These habitats are recognized as the most significant habitats in the State and are designated for protection (NYSDEC 2012). The DEIS indicates the project would impact SAV and spawning fish (non-sturgeon species) in these areas. However, there is very little detail on the resources present, the time of year and life stages of species present, the specific impacts expected to occur, or any proposal to avoid, minimize, and mitigate these impacts. The DEIS also does not appear to consider effects to ESA listed species, EFH or other aquatic species utilizing these areas as important overwintering habitat. Of particular concern are the Kingston-Poughkeepsie Deepwater Habitat and the Hudson Highlands, where the Public Notice anticipates burial of the cable will not be possible. Spawning and overwintering grounds for listed and non-listed species of fish are known to occur in these reaches of the Hudson River. If either blasting or scraping of rock is required for partial burial in these areas, substantial impacts to our trust resources and their habitat is expected (see above). As proposed, the project would result in permanent habitat loss within these SCFWHs through direct physical alteration and disturbance. The DEIS, therefore, needs to consider the short and long term effects of any habitat modification to these and other sensitive areas in the Hudson River and their effects to our trust resources. Detailed information on construction plans,

<sup>2</sup> **Peak sound pressure level:** the largest absolute value of the instantaneous sound pressure and is expressed as dB re: 1  $\mu$ Pa.

**Root Mean Square (RMS) pressure:** the square root of the average squared pressures over the duration of a pulse; most pile-driving impulses occur over a 50 to 100 millisecond (msec) period, with most of the energy contained in the first 30 to 50 msec (Illingworth and Rodkin, Inc. 2001, 2009). Therefore, RMS pressure levels are generally "produced" within seconds of pile driving operations and represent the effective pressure and its resultant intensity (in dB re: 1  $\mu$ Pa;) produced by a sound source.

**Cumulative Sound Exposure Level (cSEL):** the energy accumulated over a period of time; the cSEL value is not a measure of the instantaneous or maximum noise level, but is a measure of the accumulated energy over a period of time to which an animal is exposed during any kind of signal. For impulsive noise sources, cSEL (dB) = Single-strike/impulse SEL + 10 Log (N); where N is the number of pulses or strikes (Bastasch *et al.* 2008; Stadler and Woodbury 2009). For continuous noise sources, cSEL (dB) = RMS pressure level + 10 Log (duration, in seconds, of the activity or installation).

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**204-27:** Information and analysis of potential impacts regarding underwater noise has been added to the Final EIS (primarily Sections 5.1.4 and 5.4.5), EFH Assessment (*Noise* subsection in Section 4.1), and BA (*Noise* subsection in Section 5.1). Added information includes thresholds of analysis of underwater noise for installation activities such as installation of cofferdams, vessel operations, and blasting. It was determined that while localized behavioral effects could occur from underwater noise, no physical injury to fish would occur. Generally, acoustic impacts on aquatic species requiring mitigation are not expected beyond temporary impacts at the blasting site in the Harlem River. In that case, appropriate acoustic monitoring and mitigation would be added to the Blasting Plan being developed as part of the EM&CP by the Applicant.

**204-28:** The Applicant currently proposes to install the transmission line entirely under the East River via HDD, which would avoid impacts on sea turtles in the East River. Construction windows were negotiated with New York State agencies and NMFS based on the time of year that sensitive resources occur in the SCFWHs. Each SCFWH narrative provided on the NYSDOS Web site discusses the windows when sensitive resources are present. This information and impacts on EFH and ESA-listed species are discussed in Sections 5.3.4 and 5.3.5 of the EIS. These sections specifically consider the impact of the construction windows on the assessed species. Information on the sea turtles, SCFWHs, and overwintering grounds has been considered and included in the Final EIS in various sections, BA, and EFH Assessment (Section 4.1), as appropriate.

including the extent of concrete mats and/or rip rap proposed for these areas, as well as any plans for blasting arc necessary for our review in order to evaluate impacts to our trust resources.

The alternatives analysis in Appendix B of the DEIS gives little detail on alternatives considered to avoid these important habitats. The analysis only appears to evaluate alternatives immediately outside the river near these significant habitat sites. These included railroad right of ways (ROW) and roadways immediately outside the river, which have similar constraints with burial due to the rocky terrain. According to the analysis in Appendix B, it was determined that alternative transmission routes were not reasonable based on criteria including engineering feasibility, cost, and logistical considerations. Environmental impacts were not fully considered in the alternatives analysis and there does not appear to have been an evaluation of the least environmentally damaging alternatives. Given the critical habitat and resources present in the SCFWH designated areas, more information on alternatives to avoid these significant habitat areas should be provided along with a detailed evaluation of impacts to these sensitive habitat areas.

Further analysis of cumulative impacts of this project and the West Point Cable project should be provided. In the cumulative impacts analysis in Chapter 6 of the DEIS, it states that these projects could overlap for 65 miles in the Hudson River. Both projects are proposing to impact the Kingston-Poughkeepsie Deepwater Habitat and the Hudson Highlands significant habitat areas. If cable burial is not possible in much of this range, these projects together could result in significant permanent alteration of the riverbed. Given the potential cumulative impacts to aquatic resources, a more thorough analysis should be provided in the BA, EFH Assessment and the EIS. The analysis provided in Chapter 6 of the DEIS does not provide a full evaluation of all potential impacts that could result from two cable installation projects in these significant habitat areas.

The following are comments on Appendix G, section G.5, of the DEIS (Applicant Proposed Impact Avoidance and Minimization Measures):

- It states that, "any unanticipated sightings of threatened or endangered species...would be reported as soon as possible to NYSDPS Staff, NYSDEC, and USFWS." Reporting should also be directed to NMFS Protected Resources Division (PRD) (Danielle Palmer, [danielle.palmer@noaa.gov](mailto:danielle.palmer@noaa.gov); 978-282-8468).
- It states that, "all in-water work would be conducted within applicable time windows agreed to by applicable Federal and State agencies." Agreed to "time windows" should be specified here. However, prior review by Federal and State agencies is necessary.
- Coordination and review by NMFS PRD is needed for the Standard Operating Procedures Manual that would be prepared to outline sturgeon monitoring and reporting methods.
- Details of the emergency procedures to be taken should a listed species be struck need to be provided. NMFS PRD needs to be included as a point of contact should such an event occur (contact should occur within 24 hours of incidence).
- Plans for acoustic mitigation and monitoring need to be provided.
- Mitigation and monitoring plans need to be developed for listed species of sea turtles.

**204-29:** The Least Environmentally Damaging Practicable Alternatives (LEDPA) analysis included in EIS Appendix B is provided as part of the Applicant's Clean Water Act (CWA) Section 404 Permit Application, and to date, the USACE, who makes the decision on LEDPA sufficiency, has not objected to its analysis. In addition, because the alternatives were not feasible for a number of reasons as discussed in Sections 4 through 6 of the LEDPA analysis, a full environmental analysis of these alternatives is not required. It is DOE's understanding that no federally designated critical habitat is designated for ESA-listed species in the Hudson River. Additionally, as identified in EIS Section 5.3.4, the state agencies have granted the Applicant conditional CZMA concurrence based on the negotiated construction work windows, which are designed to minimize impacts on the SCFWHs and the other sensitive habitats and species.

**204-30:** Section 6.1.2.4 of the EIS provides sufficient analysis that cumulative impacts would be negligible. The section states that in the unlikely event that cable installation activities were to occur at the same time, cumulative impacts from turbidity and on habitat and species would result, but the spacing between the projects would be expected to minimize impacts. Following construction, the riverbed would be expected to return to near-pre-installation activities over time due to tides and currents. This conclusion applies throughout the project overlap, including the Kingston-Poughkeepsie Deepwater Habitat and the Hudson Highlands SCFWHs.

**204-31:** Corresponding responses to the bulleted sequence in the comment follow.

1. Appendix G in the Final EIS has been revised per comment.
2. Reference to EIS Table 2-2 identifying the construction work windows has been added to Appendix G in the Final EIS. These windows have already been reviewed by state and Federal agencies and have been provided to NMFS for review.
3. The Applicant will provide NMFS the opportunity to review the Standard Operating Procedures Manual for sturgeon monitoring and reporting.
4. The Applicant will provide detailed plans, including the final EM&CP, to NMFS as they are further refined. The EM&CP will

include the same NMFS point-of-contact added to Appendix G of the Final EIS.

5. In general, acoustic impacts on aquatic species requiring mitigation are not expected beyond temporary impacts at the lone blasting site in the Harlem River. Appropriate acoustic monitoring and mitigation will be added to the Blasting Plan being developed as part of the EM&CP by the Applicant.
6. Analysis determined that impacts on sea turtles would not occur because HDD would be used to install the transmission cables under the East River. As such, mitigation would not be required.

**Conclusion**

In summary, the USDOE DEIS and the USACE Public Notice prepared for the Champlain Hudson Power Express Transmission Line Project do not provide us with the necessary information to consult on this project. An expanded EFH Assessment is necessary to begin consultation under the MSA. Additional project specific information and analysis is also needed to initiate consultations under the FWCA, and ESA. Based on existing information provided to us, we must conclude that the proposed projects will result in significant impacts to aquatic resources of national importance and invoke the elevation process outlined in Part IV Paragraph 3(b) of our interagency MOA. We look forward to your response to our comments on the DEIS as well as our comments on the Public Notice pursuant to Part IV, Paragraph 3(b) of the MOA between the USACE and our agency. We appreciate your attention to this matter. Should you have any questions about EFH and FWCA, please contact Sue Tuxbury at [susan.tuxbury@noaa.gov](mailto:susan.tuxbury@noaa.gov) or 978-281-9176. Should you have any questions regarding Section 7 ESA consultation requirements, please contact Danielle Palmer at [danielle.palmer@noaa.gov](mailto:danielle.palmer@noaa.gov) or 978-281-9468.

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**204-32:** An expanded EFH Assessment and a BA have been prepared and have been provided for the respective consultation efforts. Additional information as identified in this letter has been incorporated into the Final EIS, EFH Assessment, and BA as appropriate.

Sincerely,

John K. Bullard  
Regional Administrator

cc: Mary Colligan, PRD  
Mark Murry-Brown, PRD  
Jun Yan, USACE  
Lingard Knutsen, USEPA  
David Stilwell, USFWS  
Kathy Hattala, NYSDEC

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Comment 205



DEPARTMENT OF THE ARMY  
NEW YORK DISTRICT, CORPS OF ENGINEERS  
JACOB K. JAVITS FEDERAL BUILDING  
26 FEDERAL PLAZA  
NEW YORK, NEW YORK 10278-0090

Regulatory Branch-Eastern Permits Section

JAN 16 2014

SUBJECT: Permit Application Number NAN-2009-01089-EYA  
by Transmission Developers Inc, Champlain Hudson Power Express  
Transmission Line Project, OE Docket N.O. PP-362. USACE comments on  
the Draft Environmental Impact Statement dated September 2013.

Mr. Brian Mills  
Office of Electricity Delivery and Energy Reliability (OE-20)  
U.S. Department of Energy  
1000 Independence Avenue, SW  
Washington, DC 20585

Dear Mr. Mills:

This is in response to the September 2013 Draft Environmental Impact Statement (DEIS) for the proposed Champlain Hudson Power Express Transmission Line Project.

Specific Comments on the Text of the Document:

Please see the USACE DEIS comments within the attached Comment Response Matrix.

Thank you for the opportunity to comment on the DEIS for the proposed Champlain Hudson Power Express Transmission Line Project. If you have any questions, need additional information, or wish to discuss any of the above issues in more detail, please contact Jun Yan, of my staff, at (917) 790-8092.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephan A. Ryba".

Stephan A. Ryba  
Chief, Eastern Section

- 2 -

Enclosures

Cc:

HDR – Patrick Solomon

USCG – Jeff Yunker

USCG – Michele E. DesAutels

CENAN-OP-ST – Randall Hintz

USFWS – Steve Sinkevich

NOAA – NMFS – Sue Tuxbury

NOAA – NMFS – Christopher Boelke

NOAA – NMFS – Mary Colligan

USEPA – John Cantilli

NYSDOS – Jeffrey Zappieri

**USACE Comment Response Matrix**  
**For Draft Environmental Impact Statement (DEIS) dated September 2013**  
**Champlain Hudson Power Express Transmission Line Project (NAN-2009-01089-EYA)**

#	Location		USACE - Comment
	Page	Section	
1		General Comment	The proposed CHPE cable should be buried in accordance with industry standards. All potential adverse effects of not burying the cable should be evaluated. Potential adverse effects of not burying the cable include the risk of anchor snags resulting in damage and loss of use of cable, vessel and waterways. Other potential adverse effect could result as well. The FEIS should discuss the pros and cons of all costs of not burying the proposed cable, taking into account all potential adverse effects.
2	1-11	Table 1-2	Please include in the FEIS or NEPA ROD, the NOAA NMFS EFH comment letters and how the EFH comments will be incorporated into the proposed CHPE project.
3	1-11	Table 1-2	Please include in the FEIS or NEPA ROD, the NMFS ESA Section 7 comment letters and how the ESA comments will be incorporated into the proposed CHPE project.
4	1-11	Table 1-2	Please include in the FEIS or NEPA ROD, the USFWS ESA Section 7 comment letters and how the ESA comments will be incorporated into the proposed CHPE project.
5	1-11	Table 1-2	Please include in the FEIS or NEPA ROD, the NYS Historic Preservation Office (NHPA) Section 106 comment letters and how the NHPA comments will be incorporated into the proposed CHPE project.
6	S-34 S-36 2-64 2-66 5-2 5-5 5-148 5-151 5-152	S.8.1 Impacts from O&M S.8.2 Impacts from O&M 2.6.1 Land Use - O&M 2.6.2 Transportation - O&M 5.1.1 Land Use 5.1.2 Transportation and Traffic 5.4.1 Land Use 5.4.2 Transportation and Traffic 5.4.2 Transportation and Traffic	DEIS stated that restrictions would be placed on vessel anchorage within the cable ROW for the lifetime of the CHPE cable. USACE RECOMMENDATION: The restrictions on vessel anchorage for the lifetime of CHPE cable would create unsafe conditions for marine navigation. Vessel anchorage is a necessary safety requirement and is the only method of stopping a vessel in an emergency. We recommend inclusion in the FEIS, that the proposed CHPE cable installation will have NO restrictions on future marine vessel anchorage. We also recommend the Applicant solicit navigation comments from Mariners and incorporate the mariner's comments into the project design and the FEIS.

**205-01:** The cable burial depths provided in the Draft EIS were agreed upon during the NYSPSC Article VII process that culminated in April 2013 with the issuance of the NYSPSC Certificate for the proposed CHPE Project. Per the Certificate, in the event USACE imposes conditions conflicting with the Certificate, such conflicts must be reconciled with the USACE and the NYSPSC. The burial depths presented in the USACE Public Notice for the proposed CHPE Project are now reflected throughout the Final EIS. The EIS assumed that concrete mats would be used in areas where the transmission line could not be buried in sediment, and blasting would occur in one location in the Harlem River. The Final EIS reflects the latest information provided by the Applicant on both issues and potential anchor snags, and potential impacts from such.

**205-02:** Responses for all comments received on the Draft EIS are included in the Final EIS. Comments from NMFS (Comment 204), USFWS (Comment 201), and the New York SHPO (Comment 401) have been addressed as part of the consultation and development processes for the EFH Assessment, BA, National Historic Preservation Act Section 106, and the Final EIS, as appropriate. Responses to their comments are provided herein.

**205-03:** The Final EIS (various sections) has been updated to state that there would be no restrictions on marine vessel anchorage in the transmission line corridor. Additionally, as stated in the Draft EIS, the Applicant will coordinate with the USCG and local mariners to ensure impacts on navigation and anchorage would be avoided or minimized to the maximum extent practicable. Comments received from mariners on the Draft EIS (e.g., Comments 134, 203, 701, 717, 722, 812) have been addressed in the Final EIS.

#	Location		USACE - Comment
	Page	Section	
7	S-11 2-15	S.6.2 2.4.2 Aquatic DC Cable	DEIS stated that the proposed CHPE cable will have 3 - 6 feet of in-water burial depth. USACE RECOMMENDATION: We recommend inclusion in the FEIS that the proposed CHPE cable will be buried at least 4 - 7 feet in waterways outside of the federal navigation channel and the cable will be buried at least 15 feet below authorized depth within federal navigation channels in accordance with the CZM.
8	S-11 2-15	S.6.2 2.4.2 Aquatic DC Cable	DEIS stated the cable and mat would be laid on top of the riverbed when crossing existing utility; in deepwater sections of Lake Champlain; and where bedrock is near the water bottom. USACE RECOMMENDATION: Due to the safety requirement of water dependent marine navigation, we recommend inclusion in the FEIS that the proposed CHPE cable cannot be laid on top of the riverbed. The cable must be buried to ensure the safety of marine vessels anchorage, future maintenance dredging requirements and to satisfy the requirement of the CZM concurrence for the project. we recommend that the proposed CHPE cable would be buried at least 4 feet below the mud line within all section of Lake Champlain; at least 7 feet below the mudline within Hudson, Harlem and East River and at least 15 feet below authorized depth within any federally maintained navigation channels in accordance with the CZM.
	2-27 2-31 5-150	2.4.10.1 Aquatic Cable Installation 2.4.10.1 Aquatic Cable Installation 5.4.2 Transportation and Traffic	
9	S-32 S-35 2-64 2-65 5-2 5-5 5-13 5-146 5-148 5-150 5-151	S.8.1 Land Use S.8.2 Transportation 2.6.1 Land Use 2.6.2 Transportation 5.1.1 Land Use 5.1.2 Transportation and Traffic 5.1.4 Aquatic Habitats and Species 5.4.1 Land Use 5.4.1 Land Use 5.4.2 Transportation and Traffic 5.4.2 Transportation and Traffic	DEIS stated that the aquatic work site of the CHPE cable would be off-limits to other vessels, existing marine vessels could either transit around the work site or use a different area of the waterway. During installation of the aquatic transmission line, four vessels, a cable vessel, survey boat, crew boat, and tugboat with barge, would be employed at the work site. USACE RECOMMENDATION: Unlike terrestrial construction activities where detours are available around construction sites, the waterways along the path of the CHPE construction is the only route available for water dependent marine vessels. In narrow waterways, such as Narrows of Lake Champlain, Harlem River, or narrow deep channels on the Hudson River, navigating around the work site may not be feasible. To ensure the continued waterway access for water dependent marine vessels, we recommend inclusion in the FEIS that the Applicant ensure the aquatic construction or repair equipment does not interfere with navigation or adjacent facilities. If navigation conflicts occurs the applicant will relocate construction vessels to accommodate other water dependent users of the waterway.

205-04

205-05

**205-04:** The Draft EIS identified and addressed impacts from the CZM requirement for cable burial 15 feet below the authorized depth of the navigation channel. Whether or not this is reflected in the cable burial depths identified in the USACE Public Notice is subject to further negotiations between the Applicant and USACE. Burial depths in the EIS have been revised to match the Public Notice. The analysis of the burial depths in the EIS reflects the range of possible burial depths for the proposed CHPE Project. As stated in Sections S.6.2, 2.4.2, 2.4.10.1, and 5.1.2 of the Final EIS, the transmission cables would be buried beneath the bed of Lake Champlain at a depth of at least 8 feet (2.4 meters) in the sediment and at least 4 feet (1.2 meters) in rock within the federally maintained (i.e., dredged) navigation channel, and at least 4 feet (1.2 meters) in the lakebed outside of the federally maintained navigation channel. As stated in Sections S.6.2, 2.4.2, 2.4.10.1, and 5.3.2 of the Final EIS, cables installed in the Hudson River sediment bed would be buried to a minimum depth of 7 feet (2.1 meters); no burial would occur in a federally maintained navigation channel in the Hudson River. As stated in Sections S.6.2, 2.4.2, 2.4.10.1, and 5.4.2, cable installation in the Harlem River would be entirely within the federally maintained navigation channel at minimum depths of 8 feet (2.4 meters) in the sediment and 6 feet (1.8 meters) in rock. Transmission cables would be installed along the entire East River route using HDD; therefore, trench burial depths would not apply. Also see response to Comment 205-01 regarding transmission line burial.



**205-05:** Transmission line installation would not prohibit water-dependent recreational or commercial activities because vessels could transit around the work site. If conditions do not allow other vessels to transit around the work site, the Applicant would ensure that aquatic construction does not interfere with routine navigation by making adjustments to the work site as required; this measure has been incorporated into various sections of the Final EIS. These disturbances would be temporary and localized at the work site. The installation activities would be coordinated with USCG so that work areas are marked properly to ensure safety, and so that current information about the location of work zones can be broadcast to recreational users. This would minimize conflict with construction activity, and allow for advance planning for other users. Sections 5.1.2, 5.3.2, and 5.4.2 of the EIS provide specific information on avoidance of potential navigation conflicts for the aquatic segments of the installation route.

#	Location		USACE - Comment
	Page	Section	
10	S-52 2-80 2-82 3-7 3-36 5-9 5-39	S.8.15 Hazardous Material 2.6.12 Infrastructure 2.6.15 Hazardous Materials and Wastes 3.1.3.2 Proposed CHPE Project 3.1.15 Hazardous Materials and Wastes 5.1.4 Aquatic Habitats and Species 5.1.15 Hazardous Materials and Wastes	DEIS stated that 30 samples collected in Lake Champlain identified contaminants and the proposed CHPE cable installation may disturb contaminants in sediments. The DEIS also stated that the proposed CHPE Project would not include the remediation of existing contaminants within Lake Champlain because the Applicant would not be responsible for remediating contamination caused by others and the transmission line installation process would not exacerbate existing conditions. USACE RECOMMENDATION: We received public comments concerning contaminants in the waterways along the proposed route of CHPE transmission cable. Please see <u>Attachment Number 1</u> . In the FEIS we recommend a response to the public comments concerning the installation disturbed contaminants along the proposed CHPE aquatic route.
11	S-57 2-87 3-46 3-80 5-145 5-188	S.8.19 Environmental Justice 2.6.19 Environmental Justice 3.1.19 Environmental Justice 3.2.19 Environmental Justice 5.3.19 Environmental Justice 5.4.19 Environmental Justice	Environmental Justice. It is unclear whether the minority and low income population discussed in the DEIS are EJ communities and whether those communities will be impacted by the project? USACE RECOMMENDATION: We recommend clarification whether EJ communities are present along the proposed CHPE route and whether the EJ community are impacted by the proposed CHPE project. Please see USEPA Region II EJ website: <a href="http://www.epa.gov/region2/ej/guidelines.htm">http://www.epa.gov/region2/ej/guidelines.htm</a> . We also received public comment concerning outreach and potential impacts to the Hispanic Community. Please see <u>Attachment Number 2</u> . We recommend a response to the public comments in the FEIS.
12	1-12	1.6.2 Federal Authorizations and Approvals	To maintain consistency with Public Hearing poster board, please remove from the USACE section the following "to issue the Section 10 and the Section 404 permits. The factors include conservation, economics, aesthetics, general environmental concerns, cultural resources, fish and wildlife values including threatened and endangered species and essential fish habitat (EFH), navigation, recreation, water quality, energy needs, safety, cumulative impacts, air quality, and marine security." and REPLACE with the following "the construction and installation of the proposed electric transmission line is not contrary to the public interest which would result in the issuance of a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act, as amended."

205-06

205-07

205-08

**205-06:** A review of existing information for waterbodies that would be traversed by the proposed CHPE Project, including sediment contamination sources in the vicinity of the proposed route, was conducted as part of the CHPE Sediment Sampling Analysis Plan (SSAP) developed as part of the Applicant's original NYSPSC Article VII application and the USACE Section 404 permit application in 2010. This plan served as the protocol for conducting a marine route sampling survey along the route later in 2010, which included geotechnical surveys to collect information on the existing sediment type and quality along the proposed route. Sediment samples were collected at systematically determined intervals along the proposed transmission line route as part of the survey for either physical analysis or both chemical and physical analyses. The number of samples collected varied based on the existing sediment type, existence of recent historic sediment quality data, and proximity of the proposed route to historic sampling locations. Chemical analysis and water quality modeling was conducted to better characterize contaminants along the cable route. Chemical analyses included metals, polyaromatic hydrocarbons (PAHs), and polychlorinated biphenyls (PCBs). Very few standard contaminant threshold exceedances were found. A summary of data results was provided in the 2010 Marine Route Survey Summary Report, which is included in the Joint Proposal and summarized in Sections 3.1.15, 3.3.15, and 3.4.15 of the EIS. The maximum concentrations of contaminants along the cable route as identified in the water quality modeling were graphically presented and compared to

New York State's and State of Vermont's water quality standards. The comparisons, which are also summarized in the EIS sections identified above, showed that the effects of the proposed project would comply with state water quality standards. The model results also indicated that the duration time of resuspended sediments would be relatively short at less than 1.5 hours.

**205-07:** Construction and operation of the proposed CHPE Project would impact minority and low-income populations the same as it would the general population, and, therefore, the impacts would not be considered disproportionately high. A detailed discussion on impacts to Environmental Justice populations is provided in EIS Sections 5.2.19, 5.3.19, and other similar sections. Please see response to Comment 718-01 regarding outreach to the Hispanic community. The comments provided by USACE in Attachments 1-4 of this comment letter were provided to USACE in response to their Public Notice. Any that were also submitted to DOE as comments on the Draft EIS have been addressed elsewhere in this comment response document.

**205-08:** The cited text has been revised in Section 1.6.2 of the Final EIS.

#	Location		USACE - Comment
	Page	Section	
13	2-12	2.4.2 Aquatic DC Cable	<p>DEIS stated that aquatic cable installation will bury the proposed cable "to the extent practicable". DEIS also stated the proposed CHPE cable would be buried to a depth of 6 feet within the Harlem and East River. USACE RECOMMENDATION: In the FEIS, we recommend that the proposed CHPE cable would be buried to "at least" 4 feet below the mud line within all section of Lake Champlain; "at least" 7 feet below the mudline within Hudson, Harlem and East River; and "at least" 15 feet below authorized depth within any federally maintained navigation channels in accordance with the CZM.</p>
	2-15	2.4.2 Aquatic DC Cable	
	2-27	2.4.10.1 Aquatic Cable Installation	
	5-3	5.1.2 Transportation and Traffic	
	5-155	5.4.3 Water Resources and Quality	
14	2-29	2.4.10.1 Aquatic Cable Installation	USACE RECOMMENDATION: Please provide the trench width for aquatic jet plow installation. Similar to the trench description provided for shear plow installation on page 2-29 of DEIS.
15	2-31	2.4.10.1 Aquatic Cable Installation	DEIS stated that the proposed CHPE cable within deepwaters of Lake Champlain would be installed 20 feet apart. USACE RECOMMENDATION: Cable installation 20 feet apart is inconsistent with other sections of DEIS. On page 2-4 of DEIS it stated the that cable would be buried within a singles trench. We recommend inclusion in the FEIS that the proposed CHPE cable should not be installed 20 feet apart. The aquatic cable should buried within a single trench.
16	2-73 3-13	2.6.7 Terrestrial Protected Species 3.1.6 Terrestrial Habitats and Species	On October 2, 2013, USFWS published in the Federal Register a notice announcing the the inclusion of Northern Long Eared Bat as a proposed endangered species throughout its range under the Endangered Species Act. Its ranges includes New York State. USACE RECOMMENDATION: We recommend inclusion of Northern Long Ear Bat ESA analysis within the FEIS.
17	2-75 5-70	2.6.8 Wetlands 5.2.8 Wetlands	DEIS stated the overland segment would directly impact approximately a total of 67 acres of wetlands. USACE RECOMMENDATION: The applicant provided conceptual wetland mitigation plan stated that a total of 77.7 acres of wetland would be impacted by the proposed CHPE cable (Temp Impact: 16.2 + 51.2 + Permanent Impact: 8.2 + 2 = 77.7 acres ). We recommend inclusion within the FEIS to show a total of 77.7 acres of total wetland impact.
18	2-76	2.6.8 Wetlands	DEIS stated permanent impact to 2.0 acres of forested wetland. USACE RECOMMENDATION: The applicant provided conceptual wetland mitigation plan which stated there will also be 8.2 acres of permanent impact to non-forested wetland. We recommend inclusion in the FEIS the 8.2 acres of permanent impact to non-forested wetlands

**205-09:** See response to Comment 205-04.

**205-10:** The jet plow would disturb an area of up to 2 feet (0.6 meters) in width as it passes through. The jet plow trench width has been added to Section 2.4.10.1 of the Final EIS. References to the 20-foot cable separation in the deepwater areas of Lake Champlain have been removed from the Final EIS.

**205-11:** Information on the northern long-eared bat has been included in the BA and Sections 3.1.7 and 5.1.7 and similar sections of the Final EIS.

**205-12:** Sections S.8.8, 2.6.8, and 5.2.8 of the Final EIS has been revised to reflect the total of 77.7 acres of temporary and permanent wetlands impacted, and the permanent impacts have been broken out between forested and non-forested wetlands. Section 5.2.8 already breaks out the acreages of forested wetland impacts and non-forested wetland impacts.

#	Location		USACE - Comment
	Page	Section	
19	2-80 6-11	2.6.12 Infrastructure Transmission Projects	DEIS stated that Electrical infrastructure in New York State would benefit in the long run. USACE RECOMMENDATION: We received public comments concerning the lack electrical infrastructure improvement proposed by the project. Please see the comment letter in <u>Attachment Number 2</u> . We recommend the FEIS provide a response to the public comments.
20	3-21 3-105 5-30	3.1.9 Geology and Soils 3.3.9 Geology and Soils 5.1.9 Geology and Soils	DEIS Seismicity. USACE RECOMMENDATION: We received public comments concerning seismic activities dangers. Please see the comment letter in <u>Attachment Number 2</u> . The DEIS provided the NYS seismic hazard rating but it is still unclear how seismic activities could impact the proposed CHPE cable. In the FEIS, we recommend a response to the public comment. Please include 1) the safety measures to be incorporated into the proposed CHPE cable design able withstand a seismic event. 2) what are the impacts to the environment, navigation, and public safety, should the CHPE cable be damaged during an earthquake.
21	3-42 5-47	3.1.18 Socioeconomics 5.1.18 Socioeconomics	USACE RECOMMENDATION: We received public comments concerning job loss due to the proposed project, please see <u>Attachment Number 2</u> . We recommend a response to the public comment within the FEIS.
22	3-102	3.3.8 Wetlands	DEIS stated that Esopus Estuary SCFWH contains wetlands that would be intersected by the proposed CHPE Project. USACE RECOMMENDATION: Has the wetland impact in the Esopus Estuary already been included in the total wetland impact discussed in Section 2.6.8 Page 2-75? At what mile markers would the wetland impact occur?
23	5-4 6-13	5.1.2 Transportation and Traffic 6.1.2.2 Transportation and Traffic	DEIS stated that in the Lake Champlain the transmission cables would be laid along the side slopes in some locations of an existing Federal navigation channel (MPs 98 through 101). USACE RECOMMENDATION: According to the drawings provided by the applicant, between MP 98 -101, the proposed CHPE cable would be buried within the boundary of the existing federal Navigation Channel, not just the side slopes. Please see drawings in <u>Attachment Number 3</u> . We recommend the FEIS state that proposed CHPE cable would be buried within the Federal Navigation Channel in Lake Champlain, not just the side slopes.

**205-13:** See response to Comment 137-01. The benefits of implementing the proposed CHPE Project on electrical infrastructure and demand were provided in Sections 1.1, 1.4, and 5.4.12 of the EIS.

**205-14:** Sections 5.1.9 and 5.3.9 of the EIS, and other similar sections, discuss seismicity and the potential for seismic events. Text regarding potential impacts and seismic safety measures have been added to these sections in the Final EIS. Also see response to Comment 109-08.

**205-15:** See responses to Comments 137-03 and 101-02.

**205-16:** A review of the transmission route and wetland data confirmed that the transmission line would traverse the Esopus Estuary SCFWH but would not traverse any mapped wetlands in the SCFWH. This revision is indicated in Section 3.3.8 of the Final EIS. The depth of the water at the transmission line burial points within this SCFWH would range from 20 to 60 feet, which precludes wetland habitat conditions.

**205-17:** Attachment 2 of the USACE Public Notice identifies transmission line placement in the existing Federal navigation channel or the side slopes. The text in Sections 5.1.2, 5.4.2, 5.4.9, and 6.1.2.2 of the Final EIS has been revised to indicate that the transmission line would be buried within the navigation channel.

#	Location		USACE - Comment
	Page	Section	
24	5-4	5.1.2 Transportation and Traffic	DEIS stated that on a case-by-case basis, the USACE New York District Engineer could modify the 15 foot burial depth requirement if deemed necessary. USACE RECOMMENDATION: The requirement to bury the proposed CHPE cable 15 feet below the authorized depth of a federal navigation channel is a requirement of CZM Concurrence. In accordance with Costal Zone Management Act, USACE, as a federal agency, will follow the requirement of the CZM concurrence. We cannot modify a requirement within the CZM Concurrence. We recommend revising the FEIS to reflect the CZM requirement.
25	5-52	5.2.1 Land Use	DEIS overland Eminent Domain. USACE RECOMMENDATION: We received comment letters concerning Eminent Domain in <u>Attachment Number 2</u> . We recommend responding to public comment in the FEIS.
26	5-72 5-73	5.2.8 Wetlands 5.2.8 Wetlands	DEIS stated the Applicant would monitor the success of the wetland restoration and provide a report to the permitting authorities at the conclusion of 2 years of monitoring. USACE RECOMMENDATION: We recommend inclusion in the FEIS that the a 5 year Monitoring plan will be required to ensure removal of invasive species and ensure establishment of wetland species. A wetland monitoring report should be provided for each year of monitoring.
27	5-72	5.2.8 Wetlands	DEIS stated permanent significant impacts would occur on 2.0 acres of forested wetlands and on 8.3 acres of non-forested wetlands. USACE RECOMMENDATION: we recommend inclusion in the FEIS that wetland mitigation will be required for permanent wetland impacts.
28	5-70	5.2.8 Wetlands	Temporary wetland impact. USACE RECOMMENDATIONS: For temporary wetland impacts, we recommend breaking out the acres of forested wetland impact and non-forested wetland impact in the FEIS.
29	5-72	5.2.8 Wetlands	DEIS stated that forested wetlands, where not maintained, would be expected to go through several stages of succession vegetation before returning to the preconstruction vegetation cover type. USACE RECOMMENDATION: We recommend the planned restoration of cleared forested wetland areas be augmented with active planting of forested wetland tree and shrub saplings, as mitigation for the temporary impacts to 16.2 acres of forested wetland. A 5 year Monitoring plan will be required to ensure removal of invasive species and ensure establishment of wetland species. A wetland monitoring report should be provided for each year of monitoring. Please see US EPA comment as <u>Attachment 4</u> .

**205-18:** Text regarding USACE modifying the 15-foot burial depth requirement has been deleted from Section 5.1.2 of the Final EIS, and the EIS sufficiently reflects the CZM concurrence. Also see response to Comment 205-04.

**205-19:** See response to Comment 105-04.

**205-20:** Comment noted. Page 5-73 of the Draft EIS identified a wetland restoration monitoring program. The Applicant will coordinate with the USACE on the requirements for mitigation and the development, duration, and reporting requirements for the monitoring plan to ensure removal of invasive species and establishment of wetland species. The Conceptual Wetland Mitigation Plan provided by the Applicant (and in the Document Library on the CHPE EIS Web site [<http://www.chpexpresseis.org>] identifies that an annual report will be provided for 5 years and that invasive species will be removed and monitored to avoid reestablishment, and establishment of wetland species monitored.

**205-21:** Page S-45 (Section S.8.8) of the Draft EIS (and same section of the Final EIS) reflected the mitigation that the Applicant has committed to implementing to offset permanent wetland impacts, and Section S.8.8 of the Final EIS identifies the breakout of temporary impacts in acres of forested and non-forested wetlands for the entire proposed CHPE Project. The Wetlands sections in EIS Chapter 5 identify wetland impacts per route segment.

**205-22:** See response to Comment 205-20.

#	Location		USACE - Comment
	Page	Section	
30	5-146	5.4.1 Land Use	DEIS state that the construction activities could temporarily disrupt (i.e., disturb, interrupt, or change) use of the Peter Jay Sharp Boathouse, a floating boathouse in Swindlers Cove on the Harlem River, which is within the ROI and directly adjacent to the proposed CHPE Project route. Access to the Harlem River near this facility could be limited for safety reasons while construction occurs in the vicinity. USACE RECOMMENDATION: we recommend inclusion in the FEIS that the Applicant will coordinate with owners of the Boathouse to ensure construction takes place at a time where it will not impact navigation.
31	5-150	5.4.2 Transportation and Traffic	DEIS stated that applicant would coordinate with the USACE regarding appropriate burial depth and the location in the Harlem River navigation channel. USACE RECOMMENDATION: The Harlem River is a Federal Navigation Channel. The CZM Concurrence requires the proposed CHPE cable to be buried 15 feet below the authorized depth of a federal navigation channel. In accordance with Costal Zone Management Act, the USACE, as a federal agency, will follow the requirement of the CZM concurrence. We recommend incorporating the CZM requirement into the FEIS.
32	6-3 6-11	6.1.1.4 Present and Reasonably Foreseeable Future Actions in the Hudson River Segment 6.1.2.2 Transportation and Traffic	DEIS stated that the proposed CHPE Project would traverse a Federal Anchorage Ground approximately between MPs 319 and 320. USACE RECOMMENDATION: we recommend relocating the proposed CHPE cable to be outside of the anchorage grounds. As stated in comment number 6, vessel anchoring is essential for safe marine navigation. It is unsafe to initiate restrictions on a water dependent activity such marine vessel anchoring.
33	6-8	Generation Projects	USACE RECOMMENDATION: we received comment letters concerning energy independence to generate power within New York State, please see <u>Attachment Number 2</u> . We recommend the FEIS provide a response to the public comments letters.

**205-23:** As with the marinas that would be encountered along the transmission line installation route, the boathouse owners would be given advance notice of cable laying in their area and an opportunity to identify and discuss any concerns with the contractor as stated in Section 5.4.1 of the Final EIS. In addition, the latest information from the Applicant indicates that the transmission line would be placed in the middle of the Harlem River, about 200 feet southeast of the boathouse.

**205-24:** See response to Comment 205-04.

**205-25:** See response to Comment 203-07.

**205-26:** See response to Comment 137-01.

#	Location		USACE - Comment
	Page	Section	
34	6-13	6.1.2.2 Transportation and Traffic	On page 6-13, the DEIS stated, since proposed CHPE Project would be buried under the East River navigation channel using HDD, and 15 feet below the authorized navigation channel depth as required by the USACE in the Hudson, Harlem, and East rivers, cumulative impacts are not anticipated from future dredging. USACE RECOMMENDATION: As it is currently presented in the DEIS there will negative cumulative impact on future maintenance dredging. On page 5-150, the DEIS stated that in instances where environmental or engineering constraints are present that the cables should be laid on Harlem River Channel Bottom. On page 2-27 the cable will be laid on top of the riverbed when encountering existing utilities or other obstructions. Laying the cable on the bottom of federal navigation channel would have a negative cumulative impact on future dredging. In accordance with the CZM, we recommend that the FEIS state the proposed cable shall be buried to 15 feet below the authorized channel depth in all areas of the federal navigation channel.
35	8-1	8. List of Preparers	USACE RECOMMENDATION: The USACE representative name is spelled incorrectly. Please revise to Jun Yan

205-27

**205-27:** The EIS is based on information provided by the Applicant (and reflected in the Public Notice) that concrete mats would be used where the transmission line cannot be buried. Whether or not this is ultimately permitted is subject to further negotiations between the Applicant and USACE. Also see responses to Comments 205-01 and 205-04.

205-28

**205-28:** The USACE representative's name has been corrected in Chapter 8 of the Final EIS.

Reviewer: Please provide your name, title, commercial phone number, email address, and date of comments



## ATTACHMENT 1

**ATTACHMENT 1****Yan, Jun NAN1**

**From:** McDonald, Jodi M NAN02  
**Sent:** Tuesday, December 03, 2013 11:37 AM  
**To:** Baden, Annette NAN02; CENAN-OC NAN02; Yan, Jun NAN1  
**Cc:** Ryba, Stephan A NAN02  
**Subject:** FW: [EXTERNAL] Fwd: FOIA FA-13-0217 (UNCLASSIFIED)  
**Attachments:** FA-13-0217 Response.pdf; Whitham.pdf

Classification: UNCLASSIFIED  
 Caveats: NONE

Annette - Please see attached response received from our Public Notice inbox with respect to this FOIA request. R/JM

-----Original Message-----

From: Judson Witham [mailto:jurisnot@gmail.com]  
 Sent: Tuesday, December 03, 2013 9:33 AM  
 To: RFO, CENAN NAN02; PublicNotice, CENAN NAN02; CENAN-OC NAN02; [ejacobs@neiwpcc.org](mailto:ejacobs@neiwpcc.org); [sking@neiwpcc.org](mailto:sking@neiwpcc.org); Foil r5foil; FOIL; John Warren; Records Access; [info@lgpc.state.ny.us](mailto:info@lgpc.state.ny.us); [public@gw.dec.state.ny.us](mailto:public@gw.dec.state.ny.us); Dale Hobson; R5 Info; Richard Hayes Phillips; Ellen Brown  
 Subject: [EXTERNAL] Fwd: FOIA FA-13-0217

Dear Ms. Baden Et Al.

The Toxics in Lake Champlain's Sludge and Sediment deposits cover a vast area of the bottom of Lake Champlain. The AUDIO TESTIMONY and RECORDED ARGUMENTS before the US Supreme Court reveal The Village of Ticonderoga, International Paper and Every Industry and Factory, Radiator Shop, Paint and Body, Hospital, Dental Clinic, Doctors Office and House Hold in Ticonderoga and along the LaChute River used the River to Flush the Sewage and Industrial Wastes from the Ticonderoga Area into Lake Champlain. The Sediments and Sludge are FULL of Chemicals and Toxins of all kinds AND Combinations thereof.

Because of the TOXIC Mixtures in these Sludge and Sediment Deposits a THOROUGH Clean Up and Removal of the Huge Mess should occur. Plowing through the Toxic Materials for burial of an electrical cable is INSANELY UNSAFE. The Project should NOT be permitted until a Full Clean Up is Finished.

I have spent more than 3 years seeking the materials Just Now Released from the US Government. It is abundantly obvious that there is EPA and Vermont Scientific Materials and University Testings and Laboratory Data still missing.

Waiting until 9 Days before the expiration of Public Comment and Dissent to the Project reveals that all the details of the TOXIC NIGHTMARE in Lake Champlain have NOT been explained to the Public. The Public has been denied the information and frankly this is more than a 100 Year Old SECRET.

This is a Formal Complaint and Demand that the Project Be Suspended until a Full and Complete Clean Up of the TOXIC NIGHTMARE is Completed.

Thank You

Judson Witham  
 North Country For Clean Water and Safe Environmental Policy

----- Forwarded message -----

From: CENAN-OC NAN02 <CENAN-OC@nan02.usace.army.mil>

Date: Tue, Dec 3, 2013 at 8:56 AM

Subject: FOIA FA-13-0217

To: Judson Witham <jurisnot@gmail.com>, CENAN-OC NAN02 <CENAN-OC@nan02.usace.army.mil>

Annette Baden  
Legal Assistant  
U.S. Army Corps of Engineers  
Office of Counsel - Room 1837  
26 Federal Plaza  
New York, NY 10278-0090  
917-790-8058 Office  
212-264-8171 Fax  
email: [annette.baden@usace.army.mil](mailto:annette.baden@usace.army.mil)  
NY District Homepage: <http://www.nan.usace.army.mil>  
FOIA Homepage: <http://www.nan.usace.army.mil/FOIA.aspx>  
Please Email All FOIA Requests To: [foia-nan@usace.army.mil](mailto:foia-nan@usace.army.mil)

Dear Ms. Baden,

I was advised by You that Hurricane Sandy destroyed all the records. You advised Me that there were No Records. In any event .... Scanning these documents and sending them to Me electronically can be accomplished. I am currently traveling for a Christmas related Family engagement and as such please send what You can electronically by scanning such.

I have discovered that New York State owns the Dam at the Lake George end of the LaChute River and I have discovered the electronic record of the US Supreme Court arguments that are on audio file revealing that International Paper Company and New York State's Lawyers ADMIT that Ticonderoga NY and other Industries in New York caused the vast Sludge Bed and Silting ( Contamination ) of Lake Champlain. I have also learned Ticonderoga's NEW Paper Mill owned by International Paper continues to dump and add to the Sludge and Poisoning of Lake Champlain.

When I return from my trip I will address anything You are unable to send electronically.

Thank You

Judson Witham

On Mon, Dec 2, 2013 at 9:10 AM, Baden, Annette NAN02 <[Annette.Baden@usace.army.mil](mailto:Annette.Baden@usace.army.mil)> wrote:

Mr. Witham, On November 5, 2013 we attempted to send you a response to FOIA Number FA-13-0217. It came back to us over the weekend stamped "Insufficient Address". The address we have on file is Barrow Cemetery and Highway 58, Martinsville, VA 24112. Please send us your correct mailing address so we may re-mail your documents because they are too large to send by email.

Annette Baden

Legal Assistant  
U.S. Army Corps of Engineers  
Office of Counsel - Room 1837  
26 Federal Plaza  
New York, NY 10278-0090  
917-790-8058 Office  
212-264-8171 Fax  
email: [annette.baden@usace.army.mil](mailto:annette.baden@usace.army.mil)  
NY District Homepage: <http://www.nan.usace.army.mil>  
FOIA Homepage: <http://www.nan.usace.army.mil/FOIA.aspx>  
Please Email All FOIA Requests To: [foia-nan@usace.army.mil](mailto:foia-nan@usace.army.mil)

Classification: UNCLASSIFIED  
Caveats: NONE

**ATTACHMENT 1****Yan, Jun NAN1**

**From:** McDonald, Jodi M NAN02  
**Sent:** Tuesday, December 03, 2013 11:34 AM  
**To:** Delorier, Christine NAN02; Yan, Jun NAN1  
**Cc:** Gitcheil, Amy L NAN02; Bruce, Kevin J NAN02  
**Subject:** RE: [EXTERNAL] Scientific Studies and EIS Contents of the Champlain Sludge Bed and Sediment Field ...The Mess In Champlain (UNCLASSIFIED)

Classification: UNCLASSIFIED  
 Caveats: NONE

Christine - Thanks. We've gotten then from PAO and OC as well. We are treating these as comments to the PN. R/JM

-----Original Message-----

From: Delorier, Christine NAN02  
 Sent: Tuesday, December 03, 2013 11:29 AM  
 To: McDonald, Jodi M NAN02; Yan, Jun NAN1  
 Cc: Gitcheil, Amy L NAN02; Bruce, Kevin J NAN02  
 Subject: FW: [EXTERNAL] Scientific Studies and EIS Contents of the Champlain Sludge Bed and Sediment Field ...The Mess In Champlain (UNCLASSIFIED)

Classification: UNCLASSIFIED  
 Caveats: NONE

Are you receiving these messages from the public mailbox? There should be three from this person. If you need the other two, please let me know and I will forward them.

Christine

-----Original Message-----

From: Judson Witham [mailto:jurisnot@gmail.com]  
 Sent: Monday, December 02, 2013 10:56 PM  
 To: RFO, CENAN NAN02; PublicNotice, CENAN NAN02  
 Cc: CENAN-OC NAN02; ejacobs@nelwpcc.org; sking@nelwpcc.org; Foil r5foil; FOIL; John Warren; Records Access; info@lgpc.state.ny.us; public@gw.dec.state.ny.us; Dale Hobson; R5 Info; Richard Hayes Phillips; Ellen Brown  
 Subject: [EXTERNAL] Scientific Studies and EIS Contents of the Champlain Sludge Bed and Sediment Field ...The Mess In Champlain

Attention Upstate New York Field Office .... This is a PROTEST and as well an FOIA Demand for all records on Sludge and Sediments in Lake Champlain as well as the Hudson River.

The Champlain Hydro Express Project's plans to plow through the TOXIC Sludge Bed and Sediment areas on the bottom of Champlain Need a FULL Scientific Study. The US Army Corp of Engineers, EPA, NYDEC and the US Coast Guard all need to produce the Scientific Studies on the Chemicals in the Sludge and Sediments. Fact is the EIS Environemnatl Impact Studies are NOT complete with out the Chemical Analysis that should be done BEFORE any Permits are Approved for this Project.

The Fact is Many Other Industries besides International Paper's Chemicals were dumped and MIXED TOGETHER with Ticonderoga's Open Sewers. There is a Giant TOXIC Mixture on the

bottom of the Lake Champlain NOT solely Paper Wastes and the Chemicals Associated with BLACK LIQUOR and Wastes from the other Industries.

LISTEN to the US Supreme Court Discussion by International Paper's Lawyers and Vermont's Lawyers. [http://www.oyez.org/cases/1970-1979/1971/1971\\_50\\_orig](http://www.oyez.org/cases/1970-1979/1971/1971_50_orig)

Full Chemical Studies MUST Be Done FIRST and ALL Records must be Fully Released in connection with My Marathon FOIA Requests for the DATA, MAPS, CHARTS and RECORDS associated with the Chemical Contamination of the Sludge and Sediments.

This is AGAIN a protest to the Project and a Continuing Demand Under the FOIA for the full records on the Chemical Tests of the Sludge and the Sediments. FULL EIS Statements Must FIRST Be Compiled including the Chemical Testing.

If You listen to the attached US Supreme Court recording You will discover far far far more than Pulp Wastes were dumped In Mass into Lake Champlain. The MESS is Huge and the MESS is Toxic.

[http://www.oyez.org/cases/1970-1979/1971/1971\\_50\\_orig](http://www.oyez.org/cases/1970-1979/1971/1971_50_orig)

The Reality Is The Village of Ticonderoga's Sewers and many other Industries and Chemicals were all MIXED together with International Paper's Giant Mess.

Here's the REALITY of the Vast Pile of Toxins that International Paper flushed into Lake Champlain ..... listen to the Case ....[http://www.oyez.org/cases/1970-1979/1971/1971\\_50\\_orig](http://www.oyez.org/cases/1970-1979/1971/1971_50_orig) <[http://www.oyez.org/cases/1970-1979/1971/1971\\_50\\_orig](http://www.oyez.org/cases/1970-1979/1971/1971_50_orig)>

<[http://www.facebook.com/l.php?u=http%3A%2F%2Fwww.oyez.org%2Fcases%2F1970-1979%2F1971%2F1971\\_50\\_orig&h=yAQFZ\\_Uwh&enc=AZMoqvPIeTJq8-eogvQ8c1h8fS9bJts11a8ASELOf43ZfecfIvOcE72FKceMBGeNtuRx10cn1YR4keEjfvb3Q0017BKjMbHsrMvVteu5QfztDsU7fft2UosyqJP6o0-3Dq6OvDYt6o\\_wAMP1Ufa5MI&s=1](http://www.facebook.com/l.php?u=http%3A%2F%2Fwww.oyez.org%2Fcases%2F1970-1979%2F1971%2F1971_50_orig&h=yAQFZ_Uwh&enc=AZMoqvPIeTJq8-eogvQ8c1h8fS9bJts11a8ASELOf43ZfecfIvOcE72FKceMBGeNtuRx10cn1YR4keEjfvb3Q0017BKjMbHsrMvVteu5QfztDsU7fft2UosyqJP6o0-3Dq6OvDYt6o_wAMP1Ufa5MI&s=1)>  
<[http://www.oyez.org/cases/1970-1979/1971/1971\\_50\\_orig](http://www.oyez.org/cases/1970-1979/1971/1971_50_orig)>  
Vermont v. New York | The Oyez Project at IIT Chicago-Kent College of Law  
[www.oyez.org](http://www.oyez.org)

On November 6, the Court will hear arguments in a major Establishment Clause case. Check out our deep dive on the topic to find out more about the case.

The Reality IS ... The Champlain Hudson Power Express plans to PLOW through the Sludge that is Laced with all sorts of Chemicals is CRAZY. Thye Environmental Impact Studies need to Scientifically Determine the content of the Giant Mess all over the Bottom of Lake Champlain. The Solubles and Nano Particles contaminated the ENTIRE LAKE. So dangerous is this mess Removing it and placing it on shore creates a LEACHING of the Toxins.

Judson Witham

----- Forwarded message -----  
From: Judson Witham <jurisnot@gmail.com>  
Date: Mon, Dec 2, 2013 at 12:16 PM

Subject: The Mess In Champlain  
 To: "Baden, Annette NAN02" <Annette.Baden@usace.army.mil>

Dear Army Corp, Ms. Baden,

If You listen to the attached US Supreme Court recording You will discover far far far more than Pulp Wastes were dumped In Mass into Lake Champlain. The MESS is Huge and the MESS is Toxic.

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<[http://www.facebook.com/1.php?u=http%3A%2F%2Fwww.oyez.org%2Fcases%2F1970-1979%2F1971%2F1971\\_50\\_orig&h=yAQFZ\\_Uwh&enc=AZMoqvPIeTJq8-eogvQBcih8fS9bJtsliIa8ASELOf43ZfecfIvOcE72FKceMBGeNtuRx10cn1YR4keEjfvb3Q0017BKjMbHsrMvVteu5QfztDsU7fft2UosyqJP6o0-3Dq60vDYyT6o\\_wAMPlUfa5MI&s=1](http://www.facebook.com/1.php?u=http%3A%2F%2Fwww.oyez.org%2Fcases%2F1970-1979%2F1971%2F1971_50_orig&h=yAQFZ_Uwh&enc=AZMoqvPIeTJq8-eogvQBcih8fS9bJtsliIa8ASELOf43ZfecfIvOcE72FKceMBGeNtuRx10cn1YR4keEjfvb3Q0017BKjMbHsrMvVteu5QfztDsU7fft2UosyqJP6o0-3Dq60vDYyT6o_wAMPlUfa5MI&s=1)>  
 <[http://www.oyez.org/cases/1970-1979/1971/1971\\_50\\_orig](http://www.oyez.org/cases/1970-1979/1971/1971_50_orig)>  
 Vermont v. New York | The Oyez Project at IIT Chicago-Kent College of Law  
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The PROOF is in this US Supreme Court Testimony and Arguments.

The Safety Of the Cable being BURIED is NOT a Reality and I OBJECT and DISAPPROVE of any plans to bury anything in or through it. The Power Project MUST include a REMOVAL of the huge mess from the Lake.

LISTEN TO THE RECORD.

Here's the REALITY of the Vast Pile of Crap that International Paper flushed into Lake Champlain ..... Listen to the Case ....[http://www.oyez.org/cases/1970-1979/1971/1971\\_50\\_orig](http://www.oyez.org/cases/1970-1979/1971/1971_50_orig) <[http://www.oyez.org/cases/1970-1979/1971/1971\\_50\\_orig](http://www.oyez.org/cases/1970-1979/1971/1971_50_orig)>

<[http://www.facebook.com/1.php?u=http%3A%2F%2Fwww.oyez.org%2Fcases%2F1970-1979%2F1971%2F1971\\_50\\_orig&h=yAQFZ\\_Uwh&enc=AZMoqvPIeTJq8-eogvQBcih8fS9bJtsliIa8ASELOf43ZfecfIvOcE72FKceMBGeNtuRx10cn1YR4keEjfvb3Q0017BKjMbHsrMvVteu5QfztDsU7fft2UosyqJP6o0-3Dq60vDYyT6o\\_wAMPlUfa5MI&s=1](http://www.facebook.com/1.php?u=http%3A%2F%2Fwww.oyez.org%2Fcases%2F1970-1979%2F1971%2F1971_50_orig&h=yAQFZ_Uwh&enc=AZMoqvPIeTJq8-eogvQBcih8fS9bJtsliIa8ASELOf43ZfecfIvOcE72FKceMBGeNtuRx10cn1YR4keEjfvb3Q0017BKjMbHsrMvVteu5QfztDsU7fft2UosyqJP6o0-3Dq60vDYyT6o_wAMPlUfa5MI&s=1)>  
 <[http://www.oyez.org/cases/1970-1979/1971/1971\\_50\\_orig](http://www.oyez.org/cases/1970-1979/1971/1971_50_orig)>  
 Vermont v. New York | The Oyez Project at IIT Chicago-Kent College of Law  
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Judson Witham

On Mon, Dec 2, 2013 at 12:00 PM, Judson Witham <jurisnot@gmail.com> wrote:

Dear Ms. Baden,

I was advised by You that Hurricane Sandy destroyed all the records. You advised Me that there were No Records. In any event ..... Scanning these documents and sending them to Me electronically can be accomplished. I am currently traveling for a Christmas related Family engagement and as such please send what You can electronically by scanning such.

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When I return from my trip I will address anything You are unable to send electronically.

Thank You

Judson Witham

On Mon, Dec 2, 2013 at 9:10 AM, Baden, Annette NAN02 <Annette.Baden@usace.army.mil> wrote:

Mr. Witham, On November 5, 2013 we attempted to send you a response to FOIA Number FA-13-0217. It came back to us over the weekend stamped "Insufficient Address". The address we have on file is Barrow Cemetery and Highway 58, Martinsville, VA 24112. Please send us your correct mailing address so we may re-mail your documents because they are too large to send by email.

Annette Baden  
Legal Assistant  
U.S. Army Corps of Engineers  
Office of Counsel - Room 1837  
26 Federal Plaza  
New York, NY 10278-0090  
917-790-8058 Office  
212-264-8171 Fax  
email: annette.baden@usace.army.mil  
NY District Homepage: <http://www.nan.usace.army.mil>  
FOIA Homepage: <http://www.nan.usace.army.mil/FOIA.aspx>  
Please Email All FOIA Requests To: [foia-nan@usace.army.mil](mailto:foia-nan@usace.army.mil)

4



Classification: UNCLASSIFIED  
Caveats: NONE

Classification: UNCLASSIFIED  
Caveats: NONE

## ATTACHMENT 1

Yan, Jun NAN1

**From:** McDonald, Jodi M NAN02  
**Sent:** Tuesday, December 03, 2013 11:35 AM  
**To:** Yan, Jun NAN1; Baden, Annette NAN02  
**Cc:** Ryba, Stephan A NAN02  
**Subject:** FW: [EXTERNAL] Re: FOIA Demand PROTEST / Scientific Studies and EIS Contents of the Champlain Sludge Bed and Sediment Field ...The Mess In Champlain (UNCLASSIFIED)

Classification: UNCLASSIFIED  
 Caveats: NONE

FYI. Additional comments from Mr. Witham. R/JM

-----Original Message-----

From: Judson Witham [mailto:jurisnot@gmail.com]  
 Sent: Monday, December 02, 2013 11:24 PM  
 To: RFO, CENAN NAN02; PublicNotice, CENAN NAN02  
 Cc: CENAN-OC NAN02; ejacobs@neiwpcc.org; sking@neiwpcc.org; Foil r5foil; FOIL; John Warren;  
 Records Access; info@lgpc.state.ny.us; public@gw.dec.state.ny.us; Dale Hobson; R5 Info;  
 Richard Hayes Phillips; Ellen Brown  
 Subject: [EXTERNAL] Re: FOIA Demand PROTEST / Scientific Studies and EIS Contents of the Champlain Sludge Bed and Sediment Field ...The Mess In Champlain

Judson Witham <jurisnot@gmail.com>  
 11:20 PM (0 minutes ago)  
 <https://mail.google.com/mail/u/0/images/cleardot.gif>  
 <https://mail.google.com/mail/u/0/images/cleardot.gif>  
 <https://mail.google.com/mail/u/0/images/cleardot.gif>  
 to Annette, ejacobs, sking, CENAN-OC, Foil, FOIL, John, Records, foia-nan, info, public,  
 Dale, R5, Richard, Ellen  
 <https://mail.google.com/mail/u/0/images/cleardot.gif>  
 Stalling Production of the Records and allowing the Public Protest Period and Public Dissent  
 Period to Expire on December 13th is a Real Neat TRICK Ms Baden. The Hurricane Sandy  
 Story was COMICAL .

I and Our Group Protest the Cable Plowing because Full Scientific Studies on the TOXINS and  
 CHEMICALS in the Sediments and Sludge have never been done. The EIS Information is  
 Horridly Incomplete and Lacking as the Analysis of the Toxic Contents of the Sediments and  
 Sludge have NOT been done.

In any event US Army Corp Of Engineers and NYS DEC and EPA and US Coast Guard and DOE  
 need to understand FULL EIS Information Has NOT been provided to the Public. The  
 December 13th Cut Off for Public Dissent is NOT to be considered Because the EIS and  
 Scientific Information on the TOXINS and BIO-HAZARDOUS WASTES in the Sediments and Sludge  
 Field has been HIDDEN and SECRETED and NOT Provided even though FOIA Demands have been  
 served on the US ARMY now for at least One Year.

This is a FORMAL Protest to the Champlain Hudson Power Express Project as Well as a  
 Continuing FOIA Demand.

On Mon, Dec 2, 2013 at 10:55 PM, Judson Witham <jurisnot@gmail.com> wrote:

Attention Upstate New York Field Office .... This is a PROTEST and as well an FOIA Demand for all records on Sludge and Sediments in Lake Champlain as well as the Hudson River.

The Champlain Hydro Express Project's plans to plow through the TOXIC Sludge Bed and Sediment areas on the bottom of Champlain Need a FULL Scientific Study. The US Army Corp of Engineers, EPA, NYDEC and the US Coast Guard all need to produce the Scientific Studies on the Chemicals in the Sludge and Sediments. Fact is the EIS Environemnatl Impact Studies are NOT complete with out the Chemical Analysis that should be done BEFORE any Permits are Approved for this Project.

The Fact is Many Other Industries besides International Paper's Chemicals were dumped and MIXED TOGETHER with Ticonderoga's Open Sewers. There is a Giant TOXIC Mixture on the bottom of the Lake Champlain NOT solely Paper Wastes and the Chemicals Associated with BLACK LIQUOR and Wastes from the other Industries.

LISTEN to the US Supreme Court Discussion by International Paper's Lawyers and Vermont's Lawyers. [http://www.oyez.org/cases/1970-1979/1971/1971\\_50\\_orig](http://www.oyez.org/cases/1970-1979/1971/1971_50_orig)

Full Chemical Studies MUST Be Done FIRST and ALL Records must be Fully Released in connection with My Marathon FOIA Requests for the DATA, MAPS, CHARTS and RECORDS associated with the Chemical Contamination of the Sludge and Sediments.

This is AGAIN a protest to the Project and a Continuing Demand Under the FOIA for the full records on the Chemical Tests of the Sludge and the Sediments. FULL EIS Statements Must FIRST Be Compiled including the Chemical Testing.

If You listen to the attached US Supreme Court recording You will discover far far far more than Pulp Wastes were dumped In Mass into Lake Champlain. The MESS is Huge and the MESS is Toxic.

[http://www.oyez.org/cases/1970-1979/1971/1971\\_50\\_orig](http://www.oyez.org/cases/1970-1979/1971/1971_50_orig)

The Reality Is The Village of Ticonderoga's Sewers and many other Industries and Chemicals were all MIXED together with International Paper's Giant Mess.

Here's the REALITY of the Vast Pile of Toxins that International Paper flushed into Lake Champlain ..... Listen to the Case .....[http://www.oyez.org/cases/1970-1979/1971/1971\\_50\\_orig](http://www.oyez.org/cases/1970-1979/1971/1971_50_orig) <[http://www.oyez.org/cases/1970-1979/1971/1971\\_50\\_orig](http://www.oyez.org/cases/1970-1979/1971/1971_50_orig)>

<[http://www.facebook.com/1.php?u=http%3A%2F%2Fwww.oyez.org%2Fcases%2F1970-1979%2F1971%2F1971\\_50\\_orig&h=yAQFZ\\_Uwh&enc=AZMoqvPIeTJq8-eogvQBcih8fS9bJtsliIa8ASELOf43ZfecfIvOcE72FKceMBGeNtUx10cn1YR4keEjfvb3Q0017BKjMbHsrMvVteu5QfztDsU7fft2UosyqJP6o0-3Dq60vDYt6o\\_wAMP1Ufa5MI&s=1](http://www.facebook.com/1.php?u=http%3A%2F%2Fwww.oyez.org%2Fcases%2F1970-1979%2F1971%2F1971_50_orig&h=yAQFZ_Uwh&enc=AZMoqvPIeTJq8-eogvQBcih8fS9bJtsliIa8ASELOf43ZfecfIvOcE72FKceMBGeNtUx10cn1YR4keEjfvb3Q0017BKjMbHsrMvVteu5QfztDsU7fft2UosyqJP6o0-3Dq60vDYt6o_wAMP1Ufa5MI&s=1)>

<[http://www.oyez.org/cases/1970-1979/1971/1971\\_50\\_orig](http://www.oyez.org/cases/1970-1979/1971/1971_50_orig)>

Vermont v. New York | The Oyez Project at IIT Chicago-Kent College of Law

[www.oyez.org](http://www.oyez.org)

On November 6, the Court will hear arguments in a major Establishment Clause case. Check out our deep dive on the topic to find out more about the case.

The Reality IS ... The Champlain Hudson Power Express plans to PLOW through the Sludge that is Laced with all sorts of Chemicals is CRAZY. Thye Environmental Impact Studies

need to Scientifically Determine the content of the Giant Mess all over the Bottom of Lake Champlain. The Solubles and Nano Particles contaminated the ENTIRE LAKE. So dangerous is this mess Removing it and placing it on shore creates a LEACHING of the Toxins.

Judson Witham

----- Forwarded message -----  
 From: Judson Witham <jurisnot@gmail.com>  
 Date: Mon, Dec 2, 2013 at 12:16 PM  
 Subject: The Mess In Champlain  
 To: "Baden, Annette NAN02" <Annette.Baden@usace.army.mil>

Dear Army Corp, Ms. Baden,

If You listen to the attached US Supreme Court recording You will discover far far more than Pulp Wastes were dumped In Mass into Lake Champlain. The MESS is Huge and the MESS is Toxic.

[http://www.oyez.org/cases/1970-1979/1971/1971\\_50\\_orig](http://www.oyez.org/cases/1970-1979/1971/1971_50_orig)

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<[http://www.facebook.com/1.php?u=http%3A%2F%2Fwww.oyez.org%2Fcases%2F1970-1979%2F1971%2F1971\\_50\\_orig&h=yAQFZ\\_Uwh&enc=AZMoqvPIeTJq8-eogvQBcih8fS9bJtslIa8ASELOf432fecfIvOcE72FKceMBGeNtuRx10cn1YR4keEjfvb3Q0017BKjMbHsrMvVteu5QfztDsU7ffT2UosyqJP6o0-3Dq60vDYyT6o\\_wAMP1Ufa5MI&s=1](http://www.facebook.com/1.php?u=http%3A%2F%2Fwww.oyez.org%2Fcases%2F1970-1979%2F1971%2F1971_50_orig&h=yAQFZ_Uwh&enc=AZMoqvPIeTJq8-eogvQBcih8fS9bJtslIa8ASELOf432fecfIvOcE72FKceMBGeNtuRx10cn1YR4keEjfvb3Q0017BKjMbHsrMvVteu5QfztDsU7ffT2UosyqJP6o0-3Dq60vDYyT6o_wAMP1Ufa5MI&s=1)>  
 <[http://www.oyez.org/cases/1970-1979/1971/1971\\_50\\_orig](http://www.oyez.org/cases/1970-1979/1971/1971_50_orig)>  
 Vermont v. New York | The Oyez Project at IIT Chicago-Kent College of Law  
[www.oyez.org](http://www.oyez.org)

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The Reality IS ... The Champlain Hudson Power Express plans to PLOW through the Sludge that is Laced with all sorts of Chemicals is CRAZY. Thye Environmental Impact Studies need to Scientifically Determine the content of the Giant Mess all over the Bottom of Lake Champlain. The Solubles and Nano Particles contaminated the ENTIRE LAKE. So dangerous is this mess Removing it and placing it on shore creates a LEACHING of the Toxins.

The PROOF is in this US Supreme Court Testimony and Arguments.

The Safety Of the Cable being BURIED is NOT a Reality and I OBJECT and DISAPPROVE of any plans to bury anything in or through it. The Power Project MUST include a REMOVAL of the huge mess from the Lake.

LISTEN TO THE RECORD.

Here's the REALITY of the Vast Pile of Crap that International Paper flushed into Lake Champlain ..... Listen to the Case .....[http://www.oyez.org/cases/1970-1979/1971/1971\\_50\\_orig](http://www.oyez.org/cases/1970-1979/1971/1971_50_orig)

<[http://www.facebook.com/l.php?u=http%3A%2F%2Fwww.oyez.org%2Fcases%2F1970-1979%2F1971%2F1971\\_50\\_orig&h=yAQFZ\\_Uwh&enc=AZMoqvPIeTJq8-eogvQBcih8fS9bjtsliIa8ASELOf43ZfecfiV0cE72FKceMBGeNtuRx10cn1YR4keJfVb3Q0017BKjMbHsrnVvteu5QfztDsU7fft2UosyqJP6o0-3Dq60vDYyT6o\\_wAMP1Ufa5MI&s=1](http://www.facebook.com/l.php?u=http%3A%2F%2Fwww.oyez.org%2Fcases%2F1970-1979%2F1971%2F1971_50_orig&h=yAQFZ_Uwh&enc=AZMoqvPIeTJq8-eogvQBcih8fS9bjtsliIa8ASELOf43ZfecfiV0cE72FKceMBGeNtuRx10cn1YR4keJfVb3Q0017BKjMbHsrnVvteu5QfztDsU7fft2UosyqJP6o0-3Dq60vDYyT6o_wAMP1Ufa5MI&s=1)>  
<[http://www.oyez.org/cases/1970-1979/1971/1971\\_50\\_orig](http://www.oyez.org/cases/1970-1979/1971/1971_50_orig)>  
Vermont v. New York | The Oyez Project at IIT Chicago-Kent College of Law  
[www.oyez.org](http://www.oyez.org)  
On November 6, the Court will hear arguments in a major Establishment Clause case. Check out our deep dive on the topic to find out more about the case.

Judson Witham

On Mon, Dec 2, 2013 at 12:00 PM, Judson Witham <[jurisnot@gmail.com](mailto:jurisnot@gmail.com)> wrote:

Dear Ms. Baden,

I was advised by You that Hurricane Sandy destroyed all the records. You advised Me that there were No Records. In any event ..... Scanning these documents and sending them to Me electronically can be accomplished. I am currently traveling for a Christmas related Family engagement and as such please send what You can electronically by scanning such.

I have discovered that New York State owns the Dam at the Lake George end of the LaChute River and I have discovered the electronic record of the US Supreme Court arguments that are on audio file revealing that International Paper Company and New York State's Lawyers ADMIT that Ticonderoga NY and other Industries in New York caused the vast Sludge Bed and Silting ( Contamination ) of Lake Champlain. I have also learned Ticonderoga's NEW Paper Mill owned by International Paper continues to dump and add to the Sludge and Poisoning of Lake Champlain.

When I return from my trip I will address anything You are unable to send electronically.

Thank You

Judson Witham

On Mon, Dec 2, 2013 at 9:10 AM, Baden, Annette NAN02 <[Annette.Baden@usace.army.mil](mailto:Annette.Baden@usace.army.mil)> wrote:

Mr. Witham, On November 5, 2013 we attempted to send you a response to FOIA Number FA-13-0217. It came back to us over the weekend stamped "Insufficient Address". The address we have on file is Barrow Cemetery and Highway 58, Martinsville, VA 24112. Please send us your correct mailing address so we may re-mail your documents because they are too large to send by email.

Annette Baden  
Legal Assistant  
U.S. Army Corps of Engineers  
Office of Counsel - Room 1837  
26 Federal Plaza  
New York, NY 10278-0090  
917-790-8058 Office  
212-264-8171 Fax  
email: annette.baden@usace.army.mil  
NY District Homepage: <http://www.nan.usace.army.mil>  
FOIA Homepage: <http://www.nan.usace.army.mil/FOIA.aspx>  
Please Email All FOIA Requests To: [foia-nan@usace.army.mil](mailto:foia-nan@usace.army.mil)

Classification: UNCLASSIFIED  
Caveats: NONE

## ATTACHMENT 1

Yan, Jun NAN1

**From:** McDonald, Jodi M NAN02  
**Sent:** Tuesday, December 17, 2013 12:48 PM  
**To:** Yan, Jun NAN1; Ryba, Stephan A NAN02  
**Subject:** FW: [EXTERNAL] Extention of Public Comment and Protest. FOIL 13-3388 reply (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: NONE

FYI

-----Original Message-----

From: Judson Witham [<mailto:jurisnot@gmail.com>]  
Sent: Monday, December 16, 2013 8:48 PM  
To: RFO, CENAN NAN02; PublicNotice, CENAN NAN02  
Cc: CENAN-OC NAN02; [ejacobs@neiwpcc.org](mailto:ejacobs@neiwpcc.org); [sking@neiwpcc.org](mailto:sking@neiwpcc.org); Foil r5foil; FOIL; John Warren; Records Access; [info@lgpc.state.ny.us](mailto:info@lgpc.state.ny.us); [public@gw.dec.state.ny.us](mailto:public@gw.dec.state.ny.us); Dale Hobson; R5 Info; Richard Hayes Phillips; Ellen Brown  
Subject: [EXTERNAL] Extention of Public Comment and Protest. FOIL 13-3388 reply

To all Concerned,

On December 13th the cut off date for Public Comment and Protest for the Champlain Hudson Power Express Permitting, NY DEC finally produces Notice to Me that the Charting and Records for Hudson River Poisoning and Lake Champlain Poisoning have been discovered in DEC's files. Yes on the Day of the 13th deadline and cut-off for dissent.

The problem here is thorough and proper Scientific testing of the contamination zone in the Hudson and Champlain have NOT been done. The EIS reports are NOT complete and professional and the PUBLIC has been denied the materials in VIOLATION of FOIL and FOIA. The contamination areas in the Hudson and Champlain have never been properly or thoroughly tested. The Mess in Champlain contains dozens of chemicals and combinations thereof for instance.

I would ask that the Permit Approvals be suspended for at least 120 Days to allow the release of the US Army Materials and the NYS DEC Materials to be properly made available to and disseminated to the Public. This is an addendum to and an addition protest and objection regarding the permitting. I would argue a full clean up is first in order.

Judson Witham

----- Forwarded message -----  
From: Judson Witham <[jurisnot@gmail.com](mailto:jurisnot@gmail.com)>  
Date: Fri, Dec 13, 2013 at 8:54 PM  
Subject: Re: FOIL 13-3388 reply  
To: Records Access <[foil@gw.dec.state.ny.us](mailto:foil@gw.dec.state.ny.us)>

Dear Ms EARL.

SCAN the Records and Send Them ELECTRONICALLY. OH by the way the response is many many many many months late. BUT yes SCAN the 4 Linear Inches of Records and EMail Them. Thanks for being so timely.

Judson Witham

On Fri, Dec 13, 2013 at 11:26 AM, Records Access <[foia@gw.dec.state.ny.us](mailto:foia@gw.dec.state.ny.us)> wrote:

Please see the attached. A hard copy will not follow.

Ruth L. Earl  
Records Access Officer  
NYSDEC  
625 Broadway  
Albany, NY 12233-1500  
ph: 518-402-9522  
fax: 518-402-9018

Classification: UNCLASSIFIED  
Caveats: NONE



ATTACHMENT 2

Yan, Jun NAN1

**ATTACHMENT 2**

**From:** Assemblywoman Rabbitt [rabbitt@assembly.state.ny.us]  
**Sent:** Monday, December 02, 2013 12:17 PM  
**To:** Brian.Mills@hq.doe.gov; Yan, Jun NAN1  
**Cc:** Susan Filgueras  
**Subject:** [EXTERNAL] Re: "Draft EIS Comments" and -I am requesting a 180 day extension for Comments to the Depart of Energy and Army Corps of Engineers DEIS Public Comment Period for the Champlain Hudson Power Express

Dear Mr. Mills & Ms. McDonald:

Below please find an email I have received from my constituent Susan Filgueras who is concerned about a 330 mile High Voltage transmission line from Quebec to Queens proposed by Champaign Hudson Power Express(CHPE). I would like to request the Department of Energy and Army Corps of Engineers please take into consideration our constituent's requests to extend the Public Comment period by 180 days due to the amount of time needed to review over 5,000 pages of draft-DEIS documentation.

I appreciate your consideration of this request.

Sincerely,

Annie Rabbitt  
 Assemblywoman 98th District

Susan Filgueras wrote:

- > Please find attached the first copies of our request for a 180 day
- > extension to the comment period for the Draft EIS for the Champlain Hudson
- > Power Express.
- >
- >
- >
- > Request to the DOE and USACE for extension of comment period, "Draft EIS
- > Comments"
- >
- > Army Corps of Engineers - "USACE" - NAN-2009-01089-EYA
- >
- >
- >
- > Mr. Mills,
- >
- >
- >
- > Please find attached a first set of letters requesting
- >
- > This letter serves to reiterates multiple requests at the Public Hearing on
- > Nov 18, 2013, in the Town of Stony Point for a reasonable extension of a 180
- > days for the comment period. In NYS the Developers for proposed power plants
- > are required to provide intervenor funds for the impacted communities. In
- > this case there are no intervenor funds from the developer which would
- > allow, the residents, business owners and other stake holders to hire
- > experts to review and respond adequately to the "Draft EIS Comments" to both
- > the DOE and USACE.

>  
>  
>  
> From: Susan Filgueras [mailto:sfilgueras@optonline.net]  
> Sent: Sunday, December 01, 2013 12:29 PM  
> To: 'Keegan, Pat'; sara.levine@mail.house.gov; James Skoufis; Peter D Lopez;  
> Ellen C Jaffee; Howard Phillips; Geoff Finn; Edwin J. Day; Kenneth  
> Zebrowski; Andrew Cuomo; Annie Rabbitt; Brian.Mills@hq.doe.gov; Christopher  
> P. St. Lawrence; hoodj@co.rockland.ny.us; Susan Spear;  
> sara.levine@mail.house.gov; Harriet D. Cornell  
> Cc: David Carlucci; JobsonD@co.rockland.ny.us; William Larkin Jr.; andrew;  
> Arlene Miller; Barbara Kendall; Bob Knight; Barry Brooks;  
> wsheehan@townofstonypoint.org; Breda&Steve Beckerle; Breda Beckerle; Brian  
> Yates; Carol M. Borgstrom; cmhogan@gw.dec.state.ny.us; Christian A.  
> Corrales; Christian M. Wade; JobsonD@co.rockland.ny.us; Eric Ortner; Frank  
> Sparaco; George Potanovic Jr.; Gurrane Kane; Ileana Eckert; Jaclyn A.  
> Brilling; James Kraus; James Slevin; Jessica Stein; Akiko Matsuda; Al  
> Samuels; Alex Guarino; Annie Wilson; Donald (Doc) Bayne; Dustin; Dustin;  
> editor@rocklandcountytimes.com; Cheryl; casscleselec@aol.com; Wayne Cortes;  
> Vincent D. Reda; planning@townofstonypoint.org; Tom Basile; Steven  
> Ludwigson; Steve Scurti; R. Allan Beers; Peter Mueller;  
> towncouncil@clarkstown.org; Patrick Guidice; Maximillian A. Stach; Mathew  
> Nelligan; Madelaine & Joseph Ca; Luanne Konopko; Lori DuBord; Kevin Maher;  
> Kevin.casutto@dps.ny.gov; Karl Javenes; C279slavin; Annie Wilson; Annie  
> Wilson; becky.casscles@aol.com; Laurrie Cozza; Susan Filgueras  
> Subject: We need Congresswoman's Lowey's assistance - re extension of the  
> Comment period for the CHPE DEIS  
>  
>  
>  
> Congresswoman Lowey,  
>  
>  
>  
>  
> Thank you for sending your representative to Sara Levine to the DOE/USACE  
> Hearing on November 18, 2013, at the Stony Point Center, for the Champlain  
> Hudson Power Express Draft Environmental Impact Statement (DEIS). We want  
> to thank you for your letter (attached) to the DOE requesting that a Hearing  
> would be held in Stony Point when the DEIS for the Champlain Hudson Power  
> Express was released. Because without your representation and request for  
> the Hearing, the Hearing would not have happened. We ask once again for your  
> support, we need an extension to review the volumes of information, so that  
> we can compare the misinformation that has been given to us by CHPE to what  
> is actually contained in the DEIS. We ask you to request the DOE to a 180  
> day extension to review the new information as stated below.  
>  
> The Champlain Hudson Power Express is not needed. The Federal Energy  
> Regulatory Commission has taken action to strengthen instate power  
> generation. By creating a new Hudson Valley Capacity zone. This market  
> mandate will provide the incentive to repower closed power plants or build  
> new ones within the Region, resulting in a fresh injection of much needed  
> tax dollars and jobs needed by New Yorkers. In Rockland County, we currently  
> send millions of tax dollars to Corporations who own power plants in our

> Hydro Quebec is seeking US funds to build the CHPE transmission line- CHPE  
> states they are not seeking the funds HYDRO -Quebec is -  
> <http://www.capitalnewyork.com/article/albany/2013/11/8536130/canada-owned-company-seeks-us-dollars-electric-line?--bucket-headline>  
> mpany-seeks-us-dollars-electric-line?--bucket-headline  
>  
>  
>  
> 2- New End Points, and connections not in the ORGINIAL DOCUMENTATION  
>  
>  
>  
> a. Cost and Feasibility Analysis of a Third Converter Terminal for the  
> Champlain Hudson Power Express Project Prepared by TRC Solutions for  
> Transmission Developers Inc(see attached)  
>  
> b. A new end point the Ravenswood Generating Station owned by  
> TransCanada - (all prior documents show CHPE ending at the Rainey  
> sub-station). This is a NEW leg of the project that was never reviewed. I  
> have asked the NYS PSC about this in writing and they have not yet answered.  
>  
>  
>  
> 3- "NEW" What is the impact of the Federal Energy Regulatory Commission  
> action to strengthen instate power generation,by creating a new Hudson  
> Valley Capacity zone.  
>  
> 4- CHPE is required to deliver 1550 MW's to NYC per the Joint Proposal  
> - they are a DC (Direct Current) provider which, to my understanding,  
> receives preference over AC power in NYC. The consequences, are higher  
> power prices and billions of rate payer dollars going north of the borders.  
> This would significantly undermine our ability to keep and create jobs in  
> NY, eliminating the incentives to investment into NYS electric  
> infrastructure.  
>  
> 5- I have attached a article from Bloomberg Business Week, on June 17,  
> 2013 discussing the abrupt rise in electric prices in the middle of the day  
> due to a Canadian transmission failure.  
>  
> 6- There are over 5,000 pages for the DOE's filing alone and I have  
> just found the USACE (U.S. Army Corps of Engineers) filing on CHPE's web  
> site.(U.S. Army Corps of Engineers). The instructions at the meeting were  
> confusing, and at no time was it made clear that we must respond to both  
> entities, the DOE and the USACE. The handouts in the back of the meeting  
> room were similar and some of us picked up the DOE and some of us picked up  
> the USACE's notification instructions.  
>  
>  
>  
> 7- (see below web site listings) The filings are not clearly posted,  
> the USACE web site contains Maps, however to get to CHPE's USACE filing you  
> need to go to CHPE's web site (see below) . You need to make sure to read  
> the pp at the bottom of the page on the USACE's web site to understand that  
> there is more documentation than shown on the front page. If you go to the  
> page you will see how difficult to understand it is.  
>  
> Deliberate misinformation from CHPE must be documented and referenced  
>



>  
>  
> From: Reichlin-Melnick, Elijah  
> [mailto:Elijah.Reichlin-Melnick@mail.house.gov]  
> Sent: Tuesday, July 02, 2013 5:40 PM  
> To: Susan Filgueras  
> Cc: Keegan, Pat  
> Subject: RE: Contact to the Department of Energy?  
>  
>  
>  
> Hi Susan,  
>  
>  
>  
> Thanks for getting back to me on this issue--I appreciate all the  
> information you've shared with our office. Pat Keegan and I both thought  
> that you would want to see the attached letter from Congresswoman Lowey,  
> which was sent today to the Department of Energy, regarding the CHPE line.  
>  
>  
>  
> Best,  
>  
> Elijah  
>  
>  
>  
> Elijah Reichlin-Melnick  
> District Representative & Grants Coordinator  
>  
> Congresswoman Nita Lowey (NY-17)  
>  
> 67 N. Main St. 1st Floor  
>  
> New City, NY 10956  
>  
> 845-639-3485 (ph)  
>  
> 845-634-4079 (fax)  
>  
>  
>  
> From: Susan Filgueras [mailto:sfilgueras@optonline.net]  
> Sent: Thursday, June 27, 2013 3:32 PM  
> To: Reichlin-Melnick, Elijah  
> Cc: 'George Potanovic'; Frank Collyer; Geoff Finn; Annie Wilson;  
> casscleselec@aol.com; Laurie Cozza; Susan Filgueras  
> Subject: RE: Contact to the Department of Energy?  
>  
>  
>  
> Elijah,  
>  
>

>  
>  
> In our phone call Steven kept responding that we could make our comments  
> when the DEIS came out which should be soon. In my opinion that is too late,  
> for the reasons stated in the NYS PSC approval of April 18, 2013  
>  
>  
>  
> 1. Transmission Corridor Developers- - pgs 19 &74- how many transmission  
> lines are proposed for this area?  
>  
>  
>  
> 2. Eminent Domain- Article VII application rooted in Eminent Domain Law,  
> how can CSX offer a ROW for the land installation throughout the State of NY  
> when that ROW is not adequate to accommodate CHPE's transmission lines and  
> meet CSX's construction guidelines. CHPE's solution is acquiring land  
> through Eminent Domain, aka....  
>  
> a. "Deviation Zone", when was this approved and by who and when did NYS  
> residents decide to give up their property for a foreign transmission Line?  
>  
> 3. Production Cost Analyses - pg-33, pp2, PSC decision  
>  
> a. Dr. Paynter's rebuttal savings estimate as a "societal" benefit" even  
> though such a finding is at odds with the JP's (Joint Proposal's) statement  
> that such savings, "should not be interpreted as ratepayer benefits" as they  
> will be "captured by the Applicants, their financial backers and/or users of  
> the Facility."  
>  
>  
>  
> 4. Jobs- Pg 84- PSC decision  
>  
> a. Pp-3 "The Applicants' evidence on job creation was incomplete in a  
> fundamental way."  
>  
> b. Pp-3 "the record is void on the critical question of whether those  
> jobs would be offset, or more  
>  
> than offset, by the jobs displaced at the conventional generation facilities  
> that will not be built as a consequence."  
>  
>  
>  
> 5. Green Power - at no time does the PSC decision confirm the percentage  
> of "Green Power."  
>  
>  
>  
> 6. Fracking - will be used to install the transmission line.  
>  
>  
>  
> 7. No Environmental Impact Statement was done for the land installation  
> for Rockland County!  
>





**ATTACHMENT 2**

Mr. Brian Mills  
 Department of Energy  
 Office of Electricity Delivery & Energy Reliability (OE20)  
 U. S. Department of Energy  
 1000 Independence Ave, SW  
 Washington, DC 20585  
 Phone: 202-586-8267  
 Fax: 202-586-8008

Jun Yan,  
 USACE Project Manager, Eastern Section  
 Regulatory Branch New York District  
 U.S. Army Corps of Engineers  
 26 Federal Plaza, Room 1937  
 New York, NY 10278  
 212-000-0000  
 212-264-4260

Comments can be submitted via email to: [Brian.Mills@hq.doe.gov](mailto:Brian.Mills@hq.doe.gov) [jun.yan@usace.army.mil](mailto:jun.yan@usace.army.mil)

Deadline for Comments: **December 16, 2013**

Request to the DOE and USACE for extension of comment period, "Draft EIS Comments"

Dear Mr. Mills,

This letter serves to reiterate the multiple requests at the Public Hearing on Nov 18, 2013, in the Town of Stony Point for a reasonable extension of 180 days for the comment period. In NYS the Developers for proposed power plants are required to provide intervenor funds for the impacted communities. In this case there are no intervenor funds from the developer which would allow the residents, business owners and other stake holders to hire experts to review and respond adequately to the "Draft EIS Comments" to both the DOE and USACE.

The venue for the Hearings in both Stony Point and Queens were not the most appropriate. The Hearing in Queens was not within the impacted community. The Hearing in Stony Point would have been better held in the local Middle School, more seating and better parking, residents who came and could not get through the "orange shirts" in the hallway would not have left.

Public Notice in Rockland County was not adequate. For example, when the Stony Point Center, was called they could not confirm the Hearing on Monday Nov 18, 2013, was for the Champlain Hudson Power Express, DOE Hearing. Apparently the Hearing Notice distribution within Rockland County was inconsistent; some received a simple sheet of paper with a sticker, easily lost in the general bulk mail.

There was no outreach and translated information for the Hispanic population.

Stony Point was promised by CHPE that they would not go through the Waldron Revolutionary and War of 1812 Cemetery, the maps in the DEIS show differently. There are many contradictory installations issues, that require due diligence. There is also the Army Corps of Engineers filing, where do we find that? The instructions did not specify that in fact there are two responses required, one for the DOE and one for the USACE. The documents that were supplied at the meeting did not constitute the entire filing, only a certain segment of the DOE DEIS? Are the USACE documents different than the DOE documents?

I am respectfully requesting the extension based on the above reasons.

Resident: Thomas F. Ryan  
 Address: 2827 Hedge Street  
Yorktown, NY 10598

Phone: 914-255-0274  
 E-mail: Tryanbm@aol.com

**ATTACHMENT 2**

Yan, Jun NAN1

---

**From:** Brian Buel [briannedie@yahoo.com]  
**Sent:** Monday, November 25, 2013 3:17 PM  
**To:** Yan, Jun NAN1  
**Subject:** [EXTERNAL] Champlain Hudson power express transmission line project  
**Attachments:** Conclusion.jpg

Please review the enclosed attachment which illustrates my objection as an IBEW union member to this project.

Brian Buel

Conclusion

- New York State is finally poised to address its aging energy infrastructure, and this will create opportunities for our unionized construction and utility workers.
- The governor's "Energy Highway" calls for tapping cheap, upstate generation to meet expensive, downstate demand which is consistent with the New York Transmission Owner's STARS report.
- The Champlain Hudson Express DC line does:
  - *Not allow* for increases in upstate renewable goals and does not create renewable construction and utility jobs;
  - *Not allow* for future expansion at the Oswego Energy Complex prohibiting the creation of more construction and utility jobs;
  - *Not allow* for existing upstate generators to compete, ultimately leading to their dissolution, and the termination of existing utility jobs;
  - Connect Canadian generation to New York loads;
  - Drain jobs and revenues from NYS and provides jobs and revenues to a foreign country.
- Upgrading AC transmission lines on existing ROWs (STARS) allows:
  - For more construction and utility jobs to increase the capacity of the existing lines;
  - For the increased development of renewable resources which means NYS can achieve its ambitious renewable goals, and more unionized construction and utility jobs;
  - For future expansion at the Oswego Energy Complex which means more unionized construction and utility jobs;
  - For upstate power plants to continue to partner with communities, providing millions of dollars for local communities;
  - For relief of congested transmission lines, allowing upstate generation to flow to NYC loads, maintaining existing utility jobs at upstate power plants;
  - Construction and utility jobs to stay and grow in New York State – Homegrown, New York solutions for New York's energy problems.

## ATTACHMENT 2

### UNITED BROTHERHOOD OF CARPENTERS AND JOINERS OF AMERICA NEW YORK CITY & VICINITY DISTRICT COUNCIL OF CARPENTERS

STEPHEN C. MCINNIS  
Executive Secretary - Treasurer Pro Tem  
President

MICHAEL P. CAVANAUGH  
Vice President



INSTITUTED AUGUST 12TH, 1881

395 HUDSON STREET - 9TH FLOOR  
NEW YORK, N.Y. 10014  
PHONE: (212) 366-7500  
FAX: (212) 675-3118  
www.nycdistrictcouncil.com

December 12, 2013

RECEIVED BY REGULATORY

Jodi McDonald  
Chief, Regulatory Branch  
US Army Corps of Engineers – New York District  
Jacob K. Javits Federal Building  
26 Federal Plaza, Rm 2113  
New York, NY 10278

NY DIST. CORPS OF ENGINEERS

RE: Public Notice NAN-2009-01089-EYA for Champlain Hudson Power Express Project

Ms. McDonald:

I write on behalf of the 25,000 members of the New York City District Council of Carpenters and the tens of thousands of hard-working, middle class union families across New York State to express our opposition to the Champlain Hudson Power Express Transmission line project.

CHPE is nothing more than a large extension cord from Canada to Queens with a single customer – Hydro Quebec. The developers of the project made a business decision to propose a power line that denies access to power plants located within New York State, effectively blocking them from supplying New York City and the surrounding region with in-state produced electricity. Across New York, power generators are struggling to stay in business. This project would divert funds that might help them and their workforce.

Not only would CHPE's development make New York unnecessarily reliant on foreign-produced power, the transmission line's owner, Hydro Quebec, recently filed a request for access to dollars from the state's renewable energy development fund to help pay for the project's construction costs. The fund itself is supported by New York ratepayers through surcharges on their utility bills. If the request is approved, New Yorkers will have to shell out millions of dollars for a power line that tunnels Canadian power directly into New York City. Meanwhile, communities across the state will lose critical tax revenues from New York generators that are forced to shut down because they cannot compete with cheap imported hydro power from Quebec.

The Champlain Hudson power line is the wrong project at the wrong time and should not be subsidized by New York ratepayers or taxpayers. From Buffalo to Binghamton and Utica to Long Island City, this project will outsource New York jobs and economic opportunity. Every Megawatt of

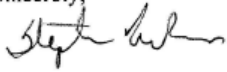
electricity made in NY represents jobs and tax revenues – every Megawatt power imported from Canada threatens those jobs and tax revenues!

CHPE is a harmful project that is not in the best interest of New York and its residents. It makes no sense to build a transmission line across the state that only benefits a single Canadian energy exporter, especially when we have more than adequate power generation already available in New York State.

We urge the US Army Corps of Engineers to deny permitting the development of the Champlain Hudson Power Express Project as it will cause more harm than good both environmentally and economically to the State of New York.

Thank you for your time.

Sincerely,

A handwritten signature in black ink, appearing to read "Steph McInnis", written in a cursive style.

Stephen C. McInnis  
Executive Secretary-Treasurer

**ATTACHMENT 2****BOILERMAKERS • IRON SHIP BUILDERS**STEVEN LUDWIGSON  
Business Manager  
Secretary-Treasurer**BLACKSMITHS • FORGERS & HELPERS**TOM RYAN  
Assistant Business Manager  
President**BOILERMAKERS LOCAL LODGE No. 5**GREG PETERSON  
Assistant Business Manager  
Zone 179KEVIN O'BRIEN  
Vice President

RECEIVED BY REGULATORY

MATT LOPRESTI  
Assistant Business Manager  
Zone 197

NY DIST. CORPS OF ENGINEERS

**Official Statement by Steven Ludwigson, Business Manager for Boilermakers Local 5**

November 19, 2013 U.S. Department of Energy (DOE) hearing on the proposed Champlain Hudson Power Express, Inc. Transmission Line

My name is Steven Ludwigson and I am the Business Manager for Boilermakers Local 5. I represent the Boilermakers in all of New York State, with the exception of the 16 counties located around Buffalo, NY. Our members are highly skilled professionals, with expertise that comes only with extensive training and years of practice. I am here tonight to state on the record that Boilermakers Local 5 opposes the Champlain Hudson Power Express, Inc. power line and the proposed Federal action of granting a Presidential permit to construct, operate, maintain, and connect a new electric transmission line across the U.S. - Canada border in northeastern New York State.

The Champlain Hudson Power Express line, which proposes to bring 1,000 megawatts of power directly from Canada to New York City, would do nothing to strengthen the state's electricity grid. Practically speaking, the transmission line is a large extension cord that would bypass all of our state's existing energy sources and transmission infrastructure - such as upstate New York plants that have an excess of available power - instead of enhancing the overall capacity and stability of New York's power grid. New York will not be able to benefit from the low-cost power those upstate plants could be producing, and will instead become completely reliant on a foreign source of electricity. Our good friends in Canada will get new jobs, and New Yorkers will get the bill.

While we support an electricity highway that improves the state's energy infrastructure and generates union jobs for New Yorkers, we reject the CHPE proposal as a jobs killer. For maximum benefits to New York, especially in job retention and creation, new electricity infrastructure should support current and new in-state power generation.

New York needs to improve the transmission grid in the Upstate and Western regions so that in state power can be transported more efficiently, more economically, and in greater quantity throughout the State. Investing in our transmission infrastructure will lead to new jobs being created, and new opportunities for energy development throughout the state.

ZONE 1: 34 VAN SICKLEN AVE., FLORAL PARK, NY 11001 • 516-326-2300 • FAX: 516-326-3457  
 ZONE 179: 24 WEST BROADWAY ST., NEW YORK, NY 10006 • 212-348-3811 • FAX: 212-348-3979  
 ZONE 197: 75 S. HOPE ST., ALBANY, NY 12204 • 518-433-8718 • FAX: 518-433-1720

BOILERMAKERS LOCAL LODGE #10, 5

We also can't ignore the obvious: New York already has a very substantial generating capacity that can be expanded upon to meet our State's needs. New York can and should keep up with growing demand by ensuring the continued operation of our in-state energy sources and constructing new plants both upstate and downstate as necessary. There are several "shovel ready" sites that are already permitted or pending permits in the Hudson Valley that could meet this demand and keep New Yorkers working and the revenue generated in state.

In order to have a strong 21<sup>st</sup> century economy, New York needs to build and produce products. We can no longer afford to be viewed as only consumers bearing the brunt of others profits. Energy and manufacturing provide sustained, long-term, good-paying jobs - a large portion of which are skilled union positions. These jobs enable individuals to stay in New York, raise a family, and grow the middle class. They also establish the economic infrastructure for many additional service jobs and power other sectors of the State's economy.

New York's economy needs to be energized, and the opportunities are out there waiting to be seized upon. Such is the case with the opportunity to meet New York's growing demand for electricity, and solve transmission congestion problems, by investing in our in-state electrical infrastructure - rather than compounding these issues with a costly outsource to Canada. For jobs and a literally brighter future, we must act now and oppose the CHPE as an outright detriment to New York.

Thank you.

  
Steven Ludwigson  
Business Manager  
Boilermakers Local 5

**ATTACHMENT 2****BOILERMAKERS • IRON SHIP BUILDERS**STEVEN LUDWIGSON  
Business Manager  
Secretary-Treasurer**BLACKSMITHS • FORGERS & HELPERS**TOM RYAN  
Assistant Business Manager  
President**BOILERMAKERS LOCAL LODGE No. 5**GREG PETERSON  
Assistant Business Manager  
Zone 175RECEIVED BY REGULATORY  
KEVIN O'BRIEN  
Vice PresidentMATT LOPRESTI  
Assistant Business Manager  
Zone 197November 18, 2013  
East Elmhurst, New York

NY DIST. CORPS OF ENGINEERS

Distinguished members from the United States Department of Energy, thank you for providing this opportunity to the people of New York to weigh in on some of their concerns with the Champlain Hudson Power Express. I am here today as the President of Boilermakers Local 5, representing over 500 members from Long Island and New York City, from the Southern Tier and throughout the North Country. But, I am also here as a proud New Yorker and father of four children with further reservations about this proposed project and the negative environmental impact it would have for the next generation.

The developers of this line that would snake its way through New York and its great water ways have touted the signatures of some Representatives of the New York delegation in support of the line. Yet, when my colleagues and I personally met with the vast majority of those Congressmen and Congresswomen last Spring, we were met with blank stares and disbelieving shakes of their heads. Some had no recollection of signing; others seemed not overly committed to the project. But, all of them had second thoughts and promised to look into the matter further and revisit their commitment. For that we are grateful to them and their staffs.

ZONE 4 • 34 VAN SICLEN AVE., FLORAL PARK, NY 11001 • 516-326-2500 • FAX: 516-326-3435  
 ZONE 175 • 28 WEST BRIDGE ST., OSWEGO, NY 13126 • 315-343-3821 • FAX: 315-343-3662  
 ZONE 197 • 78 S. DOVE ST., ALBANY, NY 12202 • 518-438-0718 • FAX: 518-459-2720



The CHPE will be a jobs killer for the greater NYC area, outsourcing skilled labor positions to a foreign country in exchange for a product we can and should be making right here in New York. Our economy, environment, and our quality of life now hang on a delicate thread. Do we as a nation, give our environment over into the hands of another country, albeit a friendly one? I, my family, and the tens of thousands of vital Building and Construction Trades members in this great metropolis, emphatically respond, NO!

Just in the last couple of years our great city and state has had a tragic loss to life, infrastructure, and the environment due to severe storms. As catastrophic a loss as they were, could we imagine if we were held hostage by power travelling hundreds of miles on towers over land and within our rivers and lakes. We need to rely on power generation produced in our backyards to survive whatever storms we must weather.

I have swam in the Hudson River, and lived to tell about. I wish my children and my children's' children the same. But, this Canadian power line is nothing more than a large extension cord, with a single customer, whose only vested interest in the delicate environment of the Great State of New York is one of commercialism and greed.

Just in my short life span, I have seen where dependence on foreign energy and foreign natural resources has led this great nation of ours: embargo, rationing, and war. We should not depend on others for our vital needs, but ourselves and our fellow New Yorkers. Americans should not sacrifice their environment, their energy independence, or their children's future, for the promise of miniscule savings on an electrical bill.

Thank you again for this opportunity and we trust the United States Department of Energy and ultimately the Office of the President of the United States hear the cry of its citizens, "SAY NO to the Champlain Hudson Power Express!"

Sincerely,

A handwritten signature in cursive script that reads "Thomas F. Ryan".

Thomas F. Ryan

President

## ATTACHMENT 2

November 30, 2013

Mr. Jun Yan, USSACE Project Manager  
Eastern Section, Regulatory Branch  
New York District  
U. S. Army Corps of Engineers  
26 Federal Plaza, Room 1937  
New York, New York 10278

Request to the DOE and USACE for extension of comment period,

DOE: ***"Draft EIS Comments"***

USACE: **NAN-2009-01089-EYA**

Dear Mr. Yan,

We would like to start this letter by letting you know that we are vehemently opposed to the Champlain-Hudson Power Express. We would also like to request a 180 day extension in order to be able to read and digest volumes 1-Impact Analyses and Volume 2-Impact Analyses of the USDOE, Champlain Hudson Power Express Transmission Line Project. We are neither lawyers nor engineers we are lay people; I am sure you will agree these filings can be difficult for anyone to digest.

November 18, 2013, a public hearing regarding the Champlain-Hudson Power Express was held at the Stony Point Center, 17 Cricketown Road, Stony Point, NY. This was at best a very poor, but well thought out location for Mr. Jessome and TDI; the meeting was held in an arena that offered very limited parking to the public. In addition to this Mr. Donald Jessome, CEO, of Transmission Development, Inc., had hired the center to host a dinner for approximately 220 members of Laborers' Union, 274, thus ensuring that most of the available parking would be taken up by union members, virtually leaving very few slots for parking so that many people in opposition to this project were not able to find spaces available to park. The James A Farley Middle School would have been a much better space given it has ample parking and other meetings had been held there in the past. Those meetings accommodated over 300 plus people with more than ample parking for all, also the residents of Stony Point who arrived later and saw the sea of Union members in orange tee shirts - would have not been so intimidated and left.

We would also like to comment on the fact we were given a three minute opportunity to voice our opposition to this project, which is really disturbing. How can one be expected to give testimony regarding this huge project in a matter of three short minutes. We were told that if we couldn't finish our testimony in three minutes we could go to the end of the line and after everyone had spoken we could then finish our statements. We did this but it was extremely difficult because our testimony was fragmented at best. We are hopeful that our passion for our town and our objections to this project were heard loud and clear.

We have been opposed to this project since we first heard about it at the April 2012 Stony Point Town Board meeting, as there was no notification given to any property owners on this route in the Town of Stony Point, regarding the taking of our properties.

The NYS Public Service Commission decision for approval of the CPHE project, granted on April 18, 2013, generously gifted CHPE with a 1/8 mile (666 feet) deviation zone in any direction from the center rail of the CSX railroad. The Article VII application, which is rooted in the Eminent Domain Law, will allow CSX Railroad to take our properties without our consent. This is a travesty of justice to think that CSX will be able to take our property without our consent to be used by a foreign entity. How can CSX offer a ROW for the land installation throughout the State of New York when the ROW was never wide enough for to accommodate CHPE's transmission lines and meet CSX's construction guidelines? Through Eminent Domain that's how.

Our town has 2.2 miles of rail lines from the Stony Point Battlefield to the Haverstraw town line; within this 2.2 mile run CHPE will be in the CSX ROW only 7/10ths of one mile; the rest of the time they will be on private, commercial, town, county, and state property. The only way to move this project forward is through Eminent Domain, which is the primary reason for the New York State Public Service Commission's Article VII; it is weighted in favor of the applicant. Article VII gifts the applicant, CHPE, with wide discretionary powers with the way the information is submitted and the right to site the physical installation within 1/8 of a mile from the center rail or 666 feet from the center rail in any direction of the proposed installation route with Eminent Domain clearing the way.

When was the deviation zone approved and by whom? When did New York State residents decide to give their property away for a foreign transmission line? We certainly have not nor do we have any intentions to do so. This project will do nothing to help this town, county, state or this nation, except to make us once again dependent on foreign energy and we all know how well that has worked in the past.

The 2.2 miles of property in Stony Point yield an estimated \$1.2 million dollars annually in simple property taxes and this is merely using just the homes and businesses that border the railroad. The CHPE project has estimated according to a "Confidential Document for Settlement Discussions Pursuant to the Commission's Guidelines;" states approximately \$796,640.00 annually to be paid to the three Towns, County, and three School Districts equals \$113,805.70 each, if divided equally. The above mentioned properties currently generate approximately \$1.2 million dollars annually for the Town of Stony Point. CHPE's stated tax revenues are significantly less than what is currently being paid. Furthermore the Town will lose more revenue as each individual touched by this project asks for a reduction in taxes because our properties will be worth significantly less.

The CHPE project is not about just one transmission line, it is about a trough of transmission lines through this area which will effectively bypass NYS entire energy infrastructure and will

create a monopoly on electric, in one of the most expensive and volatile electric markets in the nation, New York City. By The Army Corp of Engineers own letter dated June 14, 2012 you state that other entities have proposed similar projects and you have questioned "how many other transmission lines could be located along the same route?". An interesting question one that we would like the answer to before the Presidential Permit is ever issued.

The CHPE transmission line is coming out of the Hudson River on to land at the site of the Stony Point Battlefield, one of the most important and significant historical sites in this nation. It is here that battles were begun in 1775 being fought by citizen-soldiers and would last 5 years. There would be five years of battles and significant deprivation to our forefathers ultimately resulting in defeating the most powerful army of the age and winning independence for this new country, the United States of America. Many of our local citizen-soldiers are buried in the Waldron Revolutionary War and the War of 1812 cemetery located west of the CSX Railroad ROW, and numerous members of their ancestors are still living in this town to this day. There are over 200 bodies in this cemetery, many without any headstones because of the length of time they have been interred. The cemetery is in the deviation zone for this project, our committee the "Just Say No to CHPE" informed Mr. Jessome about the cemetery and its historical importance and we informed him about the many burial plots that were disturbed in the mid 1800's when the railroad came through and the bodies were moved and disposed of, what a horrible tragedy for our nation. More bodies were disturbed when Orange & Rockland Utilities, Inc. constructed high-tension lines through our town. When the cemetery was mentioned as being in the way of this project Mr. Jessome's answer to the problem was "We'll just shoot a bullet under the graves"; a distasteful and most irreverent insult to our forefathers. This is a highly sensitive matter and we in this town take this very seriously and were deeply offended by this remark.

Next we must discuss the jobs issue. The NYSPSC decision (Pg. 84 Pp. 3) states "The Applicants' evidence on job creation was incomplete in a fundamental way" and further states "the record is void on the critical question of whether those jobs would be offset, or more than offset, by the jobs displaced at the conventional generational facilities that WILL NOT be built as a consequence." New generating stations can be built in this state and some can be re-tooled thereby creating hundreds of new jobs. Why not put American workers back to work allowing them to improve or to create the new infrastructure we need, thereby making us energy independent. This is what will increase local and state tax bases over the long haul.

The Town of Stony Point has been nearly bankrupted by the Blackstone Group, which owns Transmission Developer's, Inc. The Blackstone Group is the very same company that were the financial advisors to Mirant Corporation, when they filed for Bankruptcy. Blackstone was the financial advisor to Mirant before, during, and after the bankruptcy of the Lovett and Bow Line Power plants. The towns of Stony Point and Haverstraw will continue to struggle financially as a result of this. In addition Blackstone is the company representing United Water, GDF SUEZ, which is attempting to build a desalination plant which converges on the Stony Point and Haverstraw town line. This is yet another project that will most assuredly help to deepen the town's financial crisis.

CSX Railroad has also undertaken a \$26 million dollar rail rehabilitation project in this same area. We have been personally approached by CSX, three times, in an effort to lease them the identical piece of property that CHPE wants from us. We have refused and we will continue to refuse. We were told by William Braman of CSX Real Estate, Jacksonville, FL., that CSX will use Eminent Domain to obtain the property they want; is this an intimidation tactic being used to force us to something we do not want to do?

***On page 2 of the Joint Proposal CHPE states – “none of the provisions of the JP are opposed by any land owners along the route other than at the location of the Converter Station, by any municipalities or residents along the route, or by any business entities outside of the electric power industry.” FALSE! How can CHPE state that there is no objection to their project and that they say they have overwhelming support when so many people in Rockland County and entities have come out against this project?***

The Rockland Legislature came out against this project on June 12, 2012 with Resolution 10 C 1 that was signed by every legislator (16) except one that has ties to the local utility company. Our current County Executive, Scott Vanderhoff as well as our newly elected County Executive, Edward Day have stated numerous times that they are against this project. The current members of the Town of Stony Point Town Board, as well as the newly elected members of the board, are and have been solidly against this project from the beginning. Geoff Finn, Town Supervisor of Stony Point and Howard Phillips, Town Supervisor of Haverstraw have been against this project and continue to object to it.

Congresswoman Nita Lowey alerted Ms. Patricia Hoffman, Office of Electricity Delivery and Energy Reliability, in a letter dated July 1, 2013 of our numerous concerns and wanted to make sure our voices were heard, please hear us now before it is too late.

New York State Senators William Larkin, David Carlucci, and New York State Assemblyman James Skoufis all have opposed this project, and have said so many times and they continue to support our efforts against this project to date.

On July 1, 2013, Patrick Guidice, Senior Business Representative of Local 1049 of the International Brotherhood of Electrical Workers stood on the steps of Stony Point Town Hall and again affirmed his opposition and the opposition of his Union brothers to this project.

Phil Wilcox, Business Representative for IBEW Local 97 states, “Thousands of existing New York state jobs will be lost and thousands of potential new ones as well.” (Albany Times-Union, February 25, 2012). The International Brotherhood of Electrical Workers Local 97 state, “The CHPE project’s failure to provide access to New York’s valuable generation resources is contrary to the policy laid out by Governor Cuomo in his State of the State address.” (Statement in Opposition to the Joint Proposal by Champlain Hudson Power Express, Inc. and CHPEI Properties, Inc., March 16, 2012). The New York Power Authority states “(NYPA) it is also concerned about the accuracy of CHPE’s current estimates of its projected construction costs

and the results of its cost/benefit analysis. Based upon NYPA's experience, the construction costs are significantly underestimated and the cost benefits are significantly overestimated in light of current projections of load and electric prices." (Statement Regarding the Joint Proposal by Champlain Hudson Power Express, Inc. and CHPEI Properties, Inc., March 16, 2012).

On October 23, 2012 The New York State Senate Standing Committee on Energy and Telecommunications, hosted by State Senators George Maziarz, William Larkin, David Carlucci and Nancy Calhoun held a public hearing at the RHO Building in the Town of Stony Point to garner testimony regarding the CHPE project, at which time numerous people spoke against this project. Bart Brooks, Compatriot and President of the Stony Point Battle Chapter of the Sons of the American Revolution came out in opposition. Susan Filgueras, President of the Stony Point Historical Society opposed this project. Laurie Cozza, Anita Babcock, Tim Waldron, George Patonovic, President SPACE, Stony Point Action Committee for the Environment. Michele Cornish, Rebecca J. and Wellington T. Casscles, Stephen and Breda Beckerle, affected homeowners, are against the CHPE project, these are simply a few of the names of record.

Al Samuels, President, Rockland Business Association – against, Scott Jensen, Business Manager IBEW 503 – against. Mike Hichak, Recording Secretary, IBEW Local 320 ( representing John P. Kaiser, President and Business Manager IBEW, Local 320) – against.

Tom Rumsey, Vice-President – External Affairs, NY Independent System Operator – against.

Gavin Donohue, President & CEO of Independent Power Producers of New York, Inc. – against.

Michael Twomey – on behalf on Entergy – against.

Arthur "Jerry": Kremer, Chairman of the New York Affordable Reliable Electricity Alliance – against.

All these people testified at the October 23, 2013 Senate hearing and all opposed this project, how could it possibly been approved by the NYSPSC?

These are only the names of our community; we know that in Canada, there is also strong opposition. With such opposition how does this project continue to move forward, perhaps politics has quite a bit to do with it.

The maps used by CHPE have changed numerous times, sometimes the line appears on our property sometimes off of our property. Which is it? These maps showed the CPHE line ending at the Astoria-Queens sub-station and suddenly now it shows it will end at the "Big Alice" Ravenswood Generating Station. What happen to the Astoria-Queens sub-station plan? Also the Danskammer Generating Station was taken off line and suddenly put back on line – why?

We feel that there are so many unanswered questions regarding this project, that the Presidential Permit must be held up until all of the queries can be answered openly and honestly by CHPE.

These are just a few of the overriding reasons we feel we need the 180 day extension.

Sincerely,  
  
Rebecca J. Casscles  
Wellington T. Casscles  
69 & 71 Beach Road  
Stony Point, NY 10980  
(845) 786-2416 (Home phone)  
[casscleselec@aol.com](mailto:casscleselec@aol.com)  
[becky.casscles@aol.com](mailto:becky.casscles@aol.com)



## ATTACHMENT 2

November 18, 2013

U.S. Department of Energy – Draft DEIS – Champlain Hudson Power Express

Stony Point Center

17 Cricket Town Road

Stony Point, NY 10980

I would like to take this opportunity to thank the Department of Energy for holding this public hearing regarding the Champlain Hudson Power Express. I especially want to thank Congresswoman Nita M. Lowey for her letter dated July 1, 2013 to Ms. Patricia Hoffman, Office of Electricity Delivery and Energy Reliability, alerting her to our important concerns regarding this project and asking her to hold a public hearing as part of the DEIS process. Congresswoman Lowey wanted to make sure we here in Rockland County had the opportunity to express our concerns and that our voices were heard by the DOE.

I would like to begin by saying that Transmission Developers, Inc. - USA is wholly owned by the **Blackstone Group**, one of the world's leading investment and advisory firms with earning assets under management in the hundreds of billions of dollars. Blackstone specializes in private equity and has emerged as one of the largest private equity firms in the world. **Blackstone Group** is the very same company who were the financial advisers to Mirant before, during and after the bankruptcy of the Bowline and Lovett Power Plants. The towns of Stony Point and Haverstraw are still struggling financially as a result of this.

Ms. Lowey rightly states in her letter, dated July 1, 2013 that originally the CHPE line was to run under the Hudson River for most of the project, including the southern section near Rockland County; but the route has been changed so that it now runs parallel to the CSX railroad tracks, which is strongly opposed by local residents, business groups, and elected officials.

Ms. Lowey further states that eminent domain may be used to take residential and commercial properties; let there be no doubt, eminent domain must be used to achieve CHPE's goals. This project is coming out of the Hudson River in two areas, one being Albany and the second one being in Rockland County, at the Stony Point Battlefield. The Stony Point Battlefield is one of the most significant historical sites in this nation. Battles won here against the British secured our freedom and granted us the right to call ourselves the United States of America. Many of our citizen-soldiers fought and died for our freedom and those who survived the harsh battles suffered unspeakable hardships, no food, lack of training, lack of equipment and clothing, but they persevered. Some of those who perished are buried in the Waldron Revolutionary Cemetery. Many of their descendants still live in our town to this day.

Our town has 2.2 miles of rail lines from the Battlefield to the Haverstraw Town line. Within this 2.2 mile run CHPE will be in the CSX ROW only 7/10ths of a mile; the rest of the time they will be on private, commercial, town, county, and state property. The only way to move this project forward is through Eminent domain, which is the primary reason for the New York State Public Service Commission's Article VII; it is weighted in favor of the applicant. Article VII gifts the applicant, CHPE, with wide discretionary powers with the way the information is submitted and the right to site the physical installation within 1/8 of a mile from the center rail; which is equivalent to the size of two football fields or 666 feet from the center rail in any direction of the proposed installation route with Eminent Domain clearing the way. CHPE and CSX have stated clearly in all their documents that they will maintain the right to lease the ROW, thereby making a profit off the taking of any land deemed necessary to complete their project.

The above mentioned properties generate approximately \$1 million dollars in annual taxes for Stony Point. The CHPE project, according to a "Confidential Document for Settlement Discussions Pursuant to the Commission's Settlement Guidelines dated June 23, 2011, states and I quote "The rough estimate totals are as follows:

Rockland County, 7.66 miles estimated taxes - \$796,640.00.

Please understand that this means Rockland County and all of the towns and school districts involved in this project will share this amount of money. Exactly how much in taxes will Stony Point get; we are unsure. The financial impact of this project could be catastrophic to this county and in particular to our town. Should this project go through many of our homes will be devalued, thereby costing the town perhaps several hundred thousand dollars of tax money yearly, as affected local homeowners within the deviation zone will file for tax reductions because their properties no longer maintain their original value. There is the distinct probability that future residential or commercial endeavors will be eliminated due to this project; thereby costing potentially millions of dollars in lost revenue to the Town of Stony Point further eroding our tax base. The CHPE project is a no win situation for our town, county, state and nation.

The CHPE project is not about just 1 transmission line, it is about a trough of transmission lines through this area which will effectively bypass NYS's entire energy infrastructure and will create a monopoly on electric, in one of the most expensive and volatile electric markets in the nation, New York City. According to a letter from the Army Corps of Engineers, dated June 14, 2012, they state that other entities have proposed similar projects and they have questioned "how many other transmission lines could be located along the same route?

CHPE states 300 jobs will be created during the construction of this project. This is misleading information, there will be very few jobs, less than 30, and these highly skilled jobs will be filled by Canadian workers, not Americans.

We Americans can re-tool our infrastructures; re-build our own power houses, most notably the Lovett site and the Bowline Power Plant. We, the American people will then be able to keep American jobs in America where they belong! These long lasting jobs will bolster our local, county, state and national economies. I say let's keep American jobs in America! We do not need foreign power; we all know what happens when America becomes dependent on foreign energy.


I would also like to address the issue of safety regarding the CSX Railroad. CSX rails run through our town parallel to the proposed CHPE project. What will happen if there is a derailment and a subsequent explosion of the power cable contacting a derailed tanker car? In one such derailment outside of Baltimore, MD on February 6, 2011, a derailment damaged Verizon's equipment, disrupting land-line telecommunications services. The problems reached all the way to the U.S. Navy Base in Guantanamo Bay, Cuba, where pre-trial hearings were delayed for a day for 5 men charged with orchestrating and aiding the Sept. 11<sup>th</sup> attacks, because files on government servers were temporarily unavailable. We have an international underground telecommunications line spanning the Hudson River, just south of the Stony Point Battlefield.

These rails carry many different materials not the least of which are ethanol, heptane, and sulfuric acid, all of which are extremely volatile substances, some potentially deadly. In the event of a derailment can the hundreds of people living along the rail lines be evacuated quickly? Do our local fire departments have the necessary equipment, knowledge, and training to deal with such a situation? Where will the man power come from should this happen during the day when most of our volunteers fire personnel are at work? Is there even an evacuation plan in place, which by the way is a federal mandate.

Ladies and gentlemen I would like to state clearly that the New York State Public Service Commission's decision of April 18, 2013 clearly states there will be no jobs created by this project, no new conventional generation facilities will be built as a direct consequence of the decision, the use of eminent domain (aka /deviation Zone) will be used to take NYS residents homes for foreign profit and there will be no savings to the consumer, as these savings will be captured by the applicants and their financial backers and/or users of the Facility. No environmental Impact Statement study was done for the land installation for Rockland County. How do we recoup the lost tax revenue for the devaluation of our properties, should the CHPE transmission line in fact be built?

I believe that it is imperative the Presidential permit not be granted for the above listed reasons and I encourage the Department of Energy to withhold this permit. Please keep in mind we do not need this extension cord from Canada. I encourage you to deny this presidential permit for the CHPE project, indefinitely.

In closing I would like to say that we must be mindful of what precedents will be set if this project proceeds and more importantly what the effects on us will be. What kind of a legacy are we leaving future generations? Please understand once the damage is done to our environment there will be no turning back. Our homes, our majestic Hudson River and our communities will be forever and irreparably changed.

  
Rebecca J. Cassles

69 Beach Road

Stony Point, NY 10980

"JUST SAY NO COMMITTEE"

01/03/2014 21:05 8454294514

PAGE 01

**ATTACHMENT 2**

**BA-MAR COMMUNITY ORGANIZATION**  
42 Cheryl Lane  
Stony Point, NY 10980  
Telephone: 845-369-2874

Timothy P. [illegible]

December 14, 2013

Mr. Jun Yan  
USACE Project Manager, Eastern  
Regulatory Branch New York District  
U. S. Army Corps of Engineers  
26 Federal Plaza, Room 1937  
New York, New York 10278

Re: Champlain Hudson Power Express

Dear Mr. Mills:

The Ba-Mar Community Organization is greatly concerned with this project. The CSX Railway is only a good stone's throw away so this project is very close to where we live and will have a great impact on us. The Ba-Mar Manufactured Community to date has received no outreach from Champlain Hudson River Express, Inc., New York State, or New York City, apparently the only beneficiary of this power line. No correspondence in English or Spanish has been received yet as Ba-Mar has a significant Spanish speaking population, whose first language is Spanish.

Our community was hit hard by Hurricane Sandy just over a year ago which has left us with a lot of uncertainty. Now we learn we have more uncertainty placed upon us. This time it come in the form of a man made storm.

The high voltage power line that is set to be placed so close to us is extremely troublesome to us and hopefully all of Stony Point and Rockland County, if not all, along its path. Currently Ba-Mar property may have little impact, as one map shows, but there is no guarantee here. The path may change. As it stands now, the line will disrupt the Stony Point Battlefield, a State Historic Site, the Historic Waldron Cemetery and a number of homes here in Stony Point where good decent people live. Let it be said now, people are no better than second on the protection line. The Sturgeon of Haverstraw Bay come first, which is why the line comes out of the Hudson into the battlefield and runs along the CSX line right of way and also will run through Stony Point's wetlands. None of this sounds

01/03/2014 21:05 8454294514

BROOK

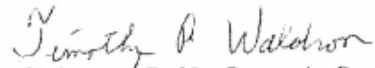
PAGE 02

very good for Stony Point families, the Battlefield, the Waldron Cemetery, our wildlife and our environment. Along with the real possibility of the line that already traverses the tracks could end up on the east side of the tracks to disrupt Ba-Mar causing great risk to its residents.

Therefore, the Ba-Mar Community Organization must soundly, loudly and clearly call for an end to this project. If there is no way to stop it, then put it in the river.

Ba-Mar says.....People over Sturgeons.

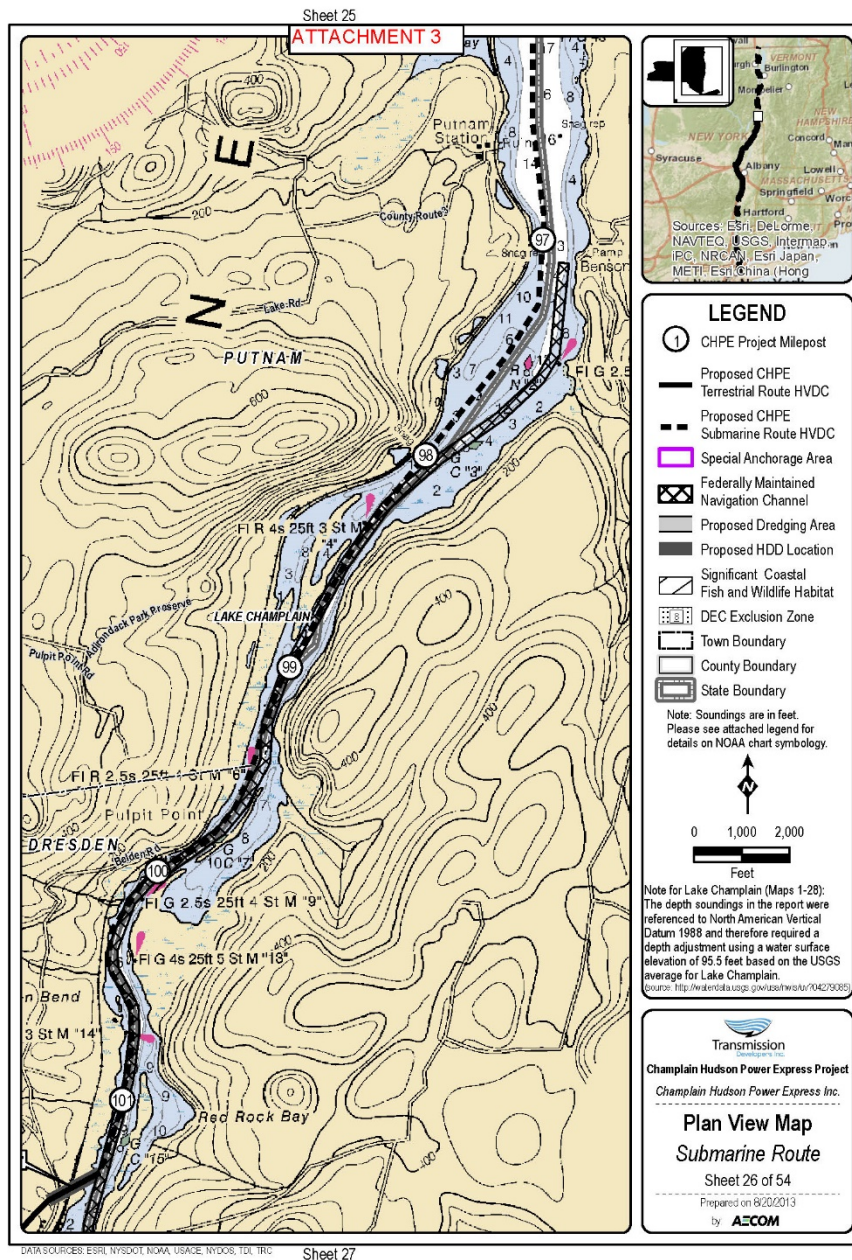
Timothy P. Waldron,



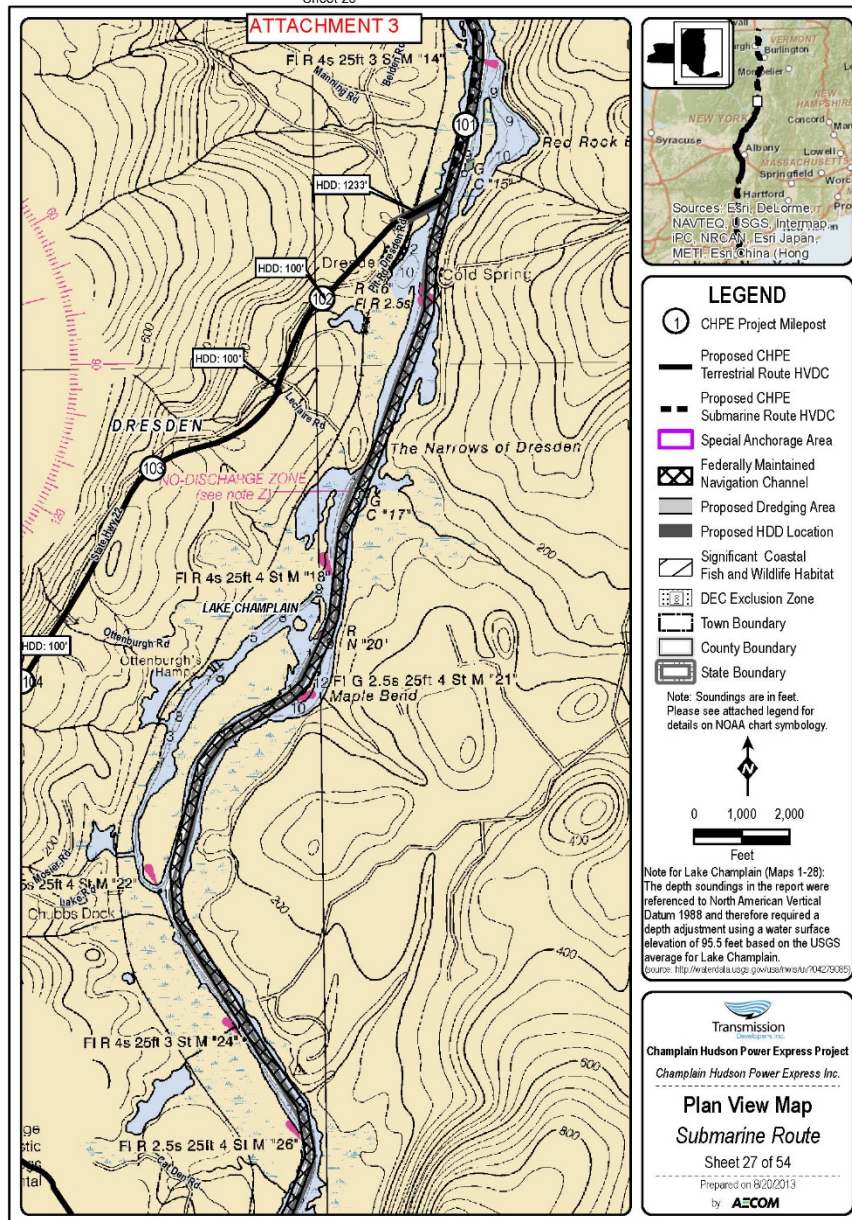
Chairperson, Ba-Mar Community Organization

## ATTACHMENT 3





Sheet 26



## ATTACHMENT 4

## ATTACHMENT 4



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

DEC 11 2013

Jodi M. McDonald  
Chief, Regulatory Branch  
U.S. Army Corps of Engineers  
Javits Federal Building  
New York, NY 10278-0090

Dear Ms. McDonald:

The U.S. Environmental Protection Agency has reviewed Public Notice number NAN-2009-01089-EYA concerning an application for a wetland permit submitted by Champlain Hudson Power Express, Inc. The applicant plans to perform regulated activities in 13 New York counties and in New York City.

The applicant proposes to construct a 333-mile high voltage electric transmission cable from the U.S. - Canada border to New York City. Cable will be buried within 101 miles of Lake Champlain and 88 miles of the Hudson River. Overland installation will total approximately 140 miles. The overland portions of the cable will cross 6.3 miles of wetland. Temporary wetland impacts consist of clearing 16.2 acres of forested wetland and 51.2 acres of non-forested wetland. Permanent impacts consist of converting 2.0 acres of forested wetland to scrub-shrub or emergent wetland and periodically cutting woody plants in 8.3 acres of non-forested wetland.

As compensation for the 10.3 acres of permanent wetland impacts, the Corps will require at least a 1:1 acreage ratio for wetland mitigation and a 10:1 ratio for preservation of existing wetlands. The applicant has identified nine potential mitigation and preservation sites in Schenectady, Saratoga and Albany Counties. Given the incomplete and conceptual nature of the wetland mitigation proposal, EPA requests an opportunity to review the future draft mitigation plan.

According to Section 5.2.8 of the *Draft Champlain Hudson Power Express Environmental Impact Statement*, restoration of the temporary wetland impact areas will consist of re-grading to original contours and seeding with annual ryegrass, which will be followed by natural plant establishment and succession. Some tree species may re-sprout from stumps and roots, but this passive restoration of 16.2 acres of forested wetland will likely take 30 to 50 years to yield a mature wetland community. We recommend that the planned restoration of cleared forested wetland areas be augmented with a wetland seed mix and installation of tree and shrub saplings.

Most of the subaqueous power cable will be installed by jet plow. In limited circumstances, anchor-positioned vessels will be used in shallow water. Anchor chain sweep may disturb benthic habitat. We recommend that Corps permit conditions include use of mid-line buoys to hold up anchor chains.

Internet Address (URL) • <http://www.epa.gov>  
Recycled/Recyclable • Printed with Vegetable Oil Based Inks on Recycled Paper (Minimum 30% Postconsumer)

EPA has no objection to issuance of a Section 404/10 permit for the Champlain Hudson power cable, provided our concerns about wetland mitigation and restoration are satisfactorily addressed by the applicant. If you have any questions regarding this matter, please contact John Cantilli at (212) 637-3810 or [cantilli.john@epa.gov](mailto:cantilli.john@epa.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Richard P. Balla", with a long horizontal flourish extending to the right.

Richard P. Balla  
Chief, Watershed Management Branch

cc: USFWS, Cortland, NY



## Comment 301

COMMITTEE ON APPROPRIATIONS,  
BANKING MEMBER

SUBCOMMITTEE ON STATE, HIGHWAY,  
OPERATIONS, AND RELATED PROGRAMS,  
BANKING MEMBER



**Nita M. Lowey**  
**Congress of the United States**  
17th District, New York

December 6, 2013

Ms. Patricia Hoffman  
Assistant Secretary  
Office of Electricity Delivery and Energy Reliability  
Department of Energy  
1000 Independence Avenue, SW  
Washington, District of Columbia 20585

Dear Ms. Hoffman:

I am writing on behalf of many North Rockland County constituents, including the elected officials of the Towns of Haverstraw and Stony Point, who have contacted me regarding the proposal by Transmission Developers, Inc. (TDI) to construct the Champlain Hudson Power Express transmission line (CHPE). I understand the comment periods both for the Department of Energy (DOE) Draft Environmental Impact Statement (DEIS) and the Army Corps of Engineers (ACOE) Announcement of Public Hearings and Request for Public Comment on the Department of the Army Permit (Announcement) are scheduled to end December 16, 2013. I request that they be extended for sixty (60) days.

When first proposed, the CHPE transmission line was to run under the Hudson River for most of the project route, including the southern section near Rockland County. However, the current proposal has the line within the CSX Freight Railroad Tracks (CSX) right-of-way in the Rockland County towns of Stony Point, Haverstraw, and a small section of Clarkstown. This route is strongly opposed by many local residents, business groups, and elected officials. In particular, Town of Stony Point Supervisor Geoff Finn has expressed his concern that the construction of CHPE will involve the taking of residential and commercial property through eminent domain, which will further exacerbate the town tax bases after losing the Bowline and Lovett power plants.

There is also significant concern regarding the manner in which the DEIS and Announcement were communicated to the community and discrepancies in the content of these documents. Several constituents from the North Rockland community complained that no notice was received regarding the Announcement, and they only learned of the Announcement and its comment period at the Hearing held at the Stony Point Center on November 18, 2013. Notice of the DEIS was delivered to residents in the mail, but many reported inconsistent and spotty

lowey.house.gov  
WASHINGTON  
2200 HAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
PHONE: 202-225-4000  
FAX: 202-225-0540  
WESTCHSTER  
222 SANDY CREEK AVENUE  
SUITE 202  
WHITE PLAINS, NY 10615  
PHONE: 914-338-1300  
FAX: 914-338-1655  
ROCKLAND  
69 NORTH MAIN STREET  
SUITE 101  
NEW CITY, NY 10846  
PHONE: 845-638-3400  
FAX: 845-638-4099

**301-01:** DOE extended the Draft EIS comment period by an additional 30 days through January 15, 2014. All comments received are addressed in the Final EIS (see EIS Section 1.7.3).

**301-02:** The proposed CHPE Project would result in beneficial socioeconomic impacts, including short- and long-term job creation, electricity cost savings, and increased tax receipts and revenue. The Applicant would pay fees to New York State agencies and municipalities for use of public lands and taxes to local municipalities on the project facilities that are taxable as real property. Property owners would receive just compensation for use of a portion of their property for the transmission line ROW. It is anticipated that easements negotiated with private landowners would be bilateral easements in which the Applicant and landowner mutually agree to the easement provisions. However, the NYSPSC has authorized the use of eminent domain for the Applicant to obtain limited easements or leases for the transmission line ROW in areas outside of the roadway and railroad ROWs if negotiations with private landowners are not successful (see EIS Section 2.4.4).

**301-03:** DOE followed accepted practices in notifying the public about the availability of the Draft EIS and the planned public hearings (see response to Comment 109-02). No special accommodation requests were submitted in advance of the hearings.

PRINTED ON RECYCLED PAPER

delivery. Additionally, the notice of the DEIS was only provided in English, despite the large Hispanic community in North Rockland. Furthermore, several residents of the Ba-Mar area on the Hudson River waterfront in Stony Point complained that they did not receive any notice of the DEIS.

301-03

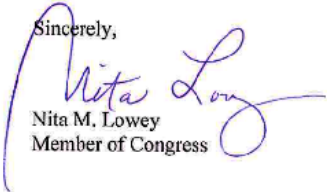
Discrepancies in the content of the DEIS and the Announcement also remain. These include that the route proposed in the DEIS extends the CHPE transmission line by three miles to the Ravenswood Generating Station in Long Island City, while the route discussed in the Announcement still reflects the original 333-mile route ending in Astoria.

301-04

**301-04:** The proposed CHPE Project transmission line terminates at the Rainey Substation. There have been no changes to the proposed CHPE Project, including no proposal to terminate the transmission line at the Ravenswood Generating Station.

Given the high level of ongoing local opposition to this project, the questions about timely and complete dissemination of the DEIS and Announcement, and the inconsistencies in the two documents, it is important that Rockland elected officials, business leaders, and residents feel confident that the DOE and ACOE have thoroughly reviewed all pertinent information about the routing of the CHPE line before a final Environmental Impact Statement and ACOE Permits are issued. As such, I ask that you give full consideration to the concerns raised by my constituents regarding this project. I also request that you provide a sixty (60) day extension to the comment periods for both the DEIS and Announcement, so that my constituents have the opportunity to review the documents and make comments accordingly.

Sincerely,

  
Nita M. Lowey  
Member of Congress

NML:sl

cc: Brian Mills, NEPA Document Manager, Department of Energy  
Jodi McDonald, Chief, Regulatory Branch, Army Corps of Engineers

## Comment 302

From: Assemblywoman Rabbitt [<mailto:rabbita@assembly.state.ny.us>]  
 Sent: Monday, December 02, 2013 12:17 PM  
 To: Mills, Brian; [jun.yan@usace.army.mil](mailto:jun.yan@usace.army.mil)  
 Cc: Susan Filgueras  
 Subject: Re: "Draft EIS Comments" and -I am requesting a 180 day extension for  
 Comments to the Depart of Energy and Army Corps of Engineers DEIS Public Comment  
 Period for the Champlain Hudson Power Express

Dear Mr. Mills & Ms. McDonald:

Below please find an email I have received from my constituent Susan Filgueras who is concerned about a 330 mile High Voltage transmission line from Quebec to Queens proposed by Champaign Hudson Power Express(CHPE).

I would like to request the Department of Energy and Army Corps of Engineers please take into consideration our constituent's requests to extend the Public Comment period by 180 days due to the amount of time needed to review over 5,000 pages of draft-DEIS documentation.

302-01

**302-01:** DOE extended the Draft EIS comment period by an additional 30 days through January 15, 2014. All comments received are addressed in the Final EIS (see EIS Section 1.7.3).

I appreciate your consideration of this request.

Sincerely,

Annie Rabbitt  
 Assemblywoman 98th District

Susan Filgueras wrote:

> Please find attached the first copies of our request for a 180 day  
 > extension to the comment period for the Draft EIS for the Champlain  
 > Hudson Power Express.  
 >  
 >  
 >  
 > Request to the DOE and USACE for extension of comment period, "Draft  
 > EIS Comments"  
 >  
 > Army Corps of Engineers - "USACE" - NAN-2009-01089-EYA  
 >  
 >  
 >  
 > Mr. Mills,  
 >  
 >  
 >  
 > Please find attached a first set of letters requesting  
 >  
 > This letter serves to reiterates multiple requests at the Public  
 > Hearing on Nov 18, 2013, in the Town of Stony Point for a reasonable  
 > extension of a 180 days for the comment period. In NYS the Developers  
 > for proposed power plants are required to provide intervener funds for  
 > the impacted communities. In this case there are no intervener funds  
 > from the developer which would allow, the residents, business owners

The email chain included in Comment 302 is the same as Comment 809. See responses to Comments 809-01 through 809-06.



> and other stake holders to hire experts to review and respond  
> adequately to the "Draft EIS Comments" to both the DOE and USACE.  
>  
>  
>  
> The venue for the Hearings in both Stony Point and Queens were not the  
> most appropriate. The Hearing in Queens was not within the impacted community.  
> The Hearing in Stony Point, would have been better held in the local  
> Middle School, more seating and better parking.  
>  
>  
>  
> Public Notice in Rockland County was not adequate. For example, when  
> the Stony Point Center, was called they could not confirm the Hearing  
> on Monday Nov 18, 2013, was for the Champlain Hudson Power Express, DOE  
Hearing.  
> Apparently the Hearing Notice distribution within Rockland County was  
> inconsistent, some received a simple sheet of paper with a sticker,  
> easily lost in the general bulk mail.  
>  
>  
>  
> There was no outreach and translated information for our Hispanic  
> population.  
>  
>  
>  
> Stony Point was promised by CHPE that they would not go through the  
> Waldron Revolutionary and War of 1812 Cemetery, the maps in the DEIS  
> show differently. There are many contradictory installations issues,  
> that require due diligence.  
>  
>  
>  
> I sent a request to the New York State Public Service Commission,  
> regarding the new trajectory of the CHPE project. (see attached)  
>  
>  
>  
> We are respectfully requesting the extension based on the above reasons.  
>  
>  
>  
>  
>  
> Susan Filgueras  
>  
> 845-429-3229  
>  
> Committee,  
>  
> Just Say NO!, to the Champlain Hudson Power Express

>  
>  
>  
> 87 Mott Farm Rd  
>  
> Tomkins Cove, NY 10986

## Comment 303

CHAIR  
 MENTAL HEALTH AND DEVELOPMENTAL  
 DISABILITIES  
 COMMITTEES:  
 CRIME VICTIMS, CRIME AND CORRECTIONS  
 ENERGY AND TELECOMMUNICATIONS  
 INFRASTRUCTURE AND CAPITAL INVESTMENT  
 INSURANCE  
 INVESTIGATIONS AND GOVERNMENT OPERATIONS  
 RULES  
 TRANSPORTATION  
 VETERAN AFFAIRS & HOMELAND SECURITY



THE SENATE  
 STATE OF NEW YORK

DAVID CARLUCCI  
 SENATOR, 38TH DISTRICT

US Department of Energy  
 DEC 11 2013  
 Electricity Delivery and  
 Energy Reliability  
 OFFICE:  
 ROCKWELL LOB  
 ALBANY, NEW YORK 12247  
 (518) 455-2994 OFFICE  
 (518) 425-6957 FAX  
 DISTRICT OFFICE:  
 65 SOUTH MIDDLETOWN ROAD  
 ALBANY, NEW YORK 12251  
 (518) 455-3657 OFFICE  
 (518) 624-0428 FAX  
 E-MAIL ADDRESS:  
 CARLUCCI@NYSenate.GOV

December 3, 2013

Brian Mills  
 Senior Planning Advisor  
 Office of Electricity Delivery and Energy Reliability (OE-20)  
 U.S. Department of Energy  
 1000 Independence Avenue, SW.  
 Washington, DC 20585

Dear Mr. Mills:

I am writing in reference to the public commenting period of the Presidential Permit Application Draft Environmental Impact Statement for the Champlain Hudson Power Express.

This project stands to have an enormous impact on the County of Rockland, and, in particular, the Town of Stony Point, NY, where the power line emerges from the Hudson River. Citizens have expressed concerns that they have not had enough time to thoroughly review the hundreds of pages of case documents to develop adequate responses. I believe the citizens of New York State would be well served by an extension to the public commenting period for the Draft Environmental Impact Statement, which is part of the Presidential Permit Application for the Champlain Hudson Power Express project.

Therefore, I respectfully request that the Department of Energy consider extending the public comment period by 180 days. This 180 day extension would guarantee that the public has adequate time to analyze and respond to thousands of pages of information that is contained in the Draft Environmental Impact Statement. Please contact my office if you have questions or are in need of further information. Thank you for your attention to this matter.

Sincerely,

Senator David Carlucci  
 38th Senate District

303-01

**303-01:** DOE extended the Draft EIS comment period by an additional 30 days through January 15, 2014. All comments received are addressed in the Final EIS (see EIS Section 1.7.3).

## Comment 304

WILLIAM J. LARKIN, JR.  
 SENATOR, 39TH DISTRICT  
 MAJORITY WHIP  
 PLEASE RESPOND TO:  
 Q ROOM 501 CAPITOL  
 ALBANY, NY 12241  
 (518) 455-2730  
 Q 1099 LITTLE BRITAIN ROAD  
 NEW WINDSOR, NY 12553  
 (518) 505-4240  
 E-MAIL ADDRESS:  
 LARKIN@NYSENATE.GOV  
 WEB ADDRESS:  
 HTTP://LARKIN.NYSENATE.GOV



## US Department of Energy

DEC 14 2013

Electricity Delivery and  
Energy Reliability

COMMITTEES  
 CORPORATIONS, AUTHORITIES  
 & COMMISSIONS  
 FINANCE  
 HEALTH  
 INSURANCE  
 RULES  
 TRANSPORTATION  
 VETERANS, HOUSING AND SECURITY  
 & MILITARY AFFAIRS

December 9, 2013

Brian Mills  
 Senior Planning Advisor  
 Office of Electricity Delivery and Energy Reliability (OE-20)  
 U.S. Department of Energy  
 1000 Independence Avenue, SW.  
 Washington, DC 20585

Dear Mr. Mills:

I am writing in reference to the public commenting period of the Presidential Permit Application  
 Draft Environmental Impact Statement for the Champlain Hudson Power Express.

I respectfully request that the Department of Energy consider extending the public comment  
 period by 180 days. This 180 day extension will ensure that the public has a fair amount of time  
 to review and respond to the 5,000 pages of draft-DEIS documentation.

304-01 **304-01:** See response to Comment 303-01.

Please feel free to contact my office if you have any questions or need any other information  
 pertaining to this project. Thank you for your careful attention and consideration to this matter.

Sincerely,

William J. Larkin, Jr.  
 Member of Senate

WJL:mf

## Comment 305



THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY

COMMITTEES  
Agriculture  
Consumer Affairs and Protection  
Insurance  
Labor  
Transportation

December 6, 2013

Mr. Brian Mills  
Senior Planning Advisor  
Office of Electricity Delivery and Energy Reliability (OE-20)  
U.S. Department of Energy  
1000 Independence Avenue, SW.  
Washington, DC 20585

Dear Mr. Mills:

One of the most important issues in my Assembly District is the proposed Champlain Hudson Power Express (CHPE) being developed by Transmission Developers Inc (TDI). My office staff and I have personally attended a number of public forums on the CHPE project to listen to TDI representatives as well as Stony Point residents. The message from Stony Point has been continuous and clear: CHPE has the potential to do serious harm to the community— residential, commercial, industrial, and municipal.

305-01

I share many of the concerns that residents and business owners have expressed regarding CHPE. First and foremost, the exact location and boundaries of the project are unclear at best: plans presented by TDI to the community differ from the ones on the company's website and, possibly, submitted to regulating agencies. Some versions of these plans include the transmission line running through the Waldron Revolutionary War Cemetery and Stony Point Battlefield, two historic sites that should never be touched by a project like this. Likewise, at a public forum that I attended and spoke at, TDI's representative refused to rule out the possibility of eminent domain being used in Stony Point, causing justified fear amongst residents and businesses alike.

305-02

Stony Point is one of a select few municipalities chosen as part of the NY Rising program, tasked with rebuilding after Superstorm Sandy. As someone who has worked with the NY Rising committee, it is possible that serious disruptions to Stony Point's efforts to rebuild will be caused by the CHPE project, adding further heartbreak and financial loss to those who have already lost so much. I respectfully ask that you ensure this not be allowed.

305-03

The argument for American jobs and American energy have likely been made by many other people which is why I am focusing on the direct, local impacts to my constituents in Stony Point. I understand a claim has been made suggesting that the transmission line is running through Stony Point because

**305-01:** See response to Comment 810-08 for discussion addressing potential impacts on Stony Point.

**305-02:** The proposed CHPE Project location and boundaries have changed numerous times since the Applicant first applied for the Presidential permit in 2010 as a result of negotiations through the NYSPSC Article VII process that culminated with the issuance of the NYSPSC Certificate issued in April 2013. The maps currently in the Draft EIS represent the most up-to-date project route for the CHPE project. See response to Comment 121-03 regarding the siting of the transmission line at Waldron Cemetery and the Stony Point Battlefield Historic Site.

**305-03:** The proposed CHPE Project would not be expected to preclude redevelopment of Stony Point as stated in Section 6.1.1.4 of the Final EIS. The transmission line for the proposed CHPE Project would be sited in or along the edge of an existing railroad ROW. Impacts as a result of this project would be negligible and temporary because they would be related to short-term trenching and construction of the transmission line. Impacts also would be site-specific and would not interfere with efforts to rebuild Stony Point.

ALBANY OFFICE: Room 821, Legislative Office Building, Albany, New York 12248 • 518-455-5441 • FAX: 518-455-5884  
DISTRICT OFFICE: 11 Main Street, Chester, New York 10918 • 845-459-0929 • FAX: 845-459-0914  
EMAIL: skourisj@assembly.state.ny.us

of an adjoining, environmentally-sensitive area in the Hudson River. I urge you to re-explore all options to keep the transmission line in the Hudson River, thereby avoiding any and all local impact in the community I represent.

305-04

Last but not least, on behalf of my constituents, I would like to request a 180-day extension for public comment to allow as many residents and businesses to further study the proposal and voice their concerns to you. I know you are taking this application very seriously – you understand the magnitude of this project and its potential ramifications. Given the scope and interest demonstrated at the November public hearing you held, I believe an extension to be reasonable.

305-05

Thank you for your service to our state and country as well as your consideration to the points I have highlighted in this letter.

Sincerely,



James Skoufis  
Member of Assembly

**305-04:** A variety of routing options have been explored as a result of planning associated with the proposed CHPE Project as discussed in Section 2.3.1 of the EIS. The proposed route is one that has been cooperatively worked and agreed on by more than 30 different stakeholder groups and government agencies. The current project location and route are the most practical for the proposed CHPE Project.

**305-05:** See response to Comment 303-01.

## Comment 306



THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY

CHAIRMAN  
Administrative Regulations  
Review Commission  
  
COMMITTEES  
Codes  
Environmental Conservation  
Governmental Employees  
Judiciary  
Labor  
Libraries & Education Technology

January 15, 2014

Mr. Brian Mills  
Office of Electricity Delivery and Energy Reliability (OE-20)  
U.S. Department of Energy  
1000 Independence Avenue SW  
Washington, D.C. 20585

Dear Mr. Mills:

I am writing to express my concerns with the proposed EIS draft of the Champlain Hudson Power Express Project.

As a State Representative for Rockland County where the proposed project will travel underneath, I am concerned with the impact it will have on residents, businesses and two state parks, Rockland Lake State Park and Hook Mountain State Park. The proposed path of the transmission line travels throughout my district and could negatively impact the integrity of the land.

In addition to the environmental concerns, the proposed project will transport 1,000 megawatts of energy from Canada to New York City for consumption. Our regional energy plan would best be served by local energy production. The State should concentrate major energy infrastructure investments within New York State and the Hudson Valley region. There are several older power plants in the region, including Bowline in Haverstraw, which could benefit from investments that improve production efficiency. The proposed plan offers 300 temporary jobs over a 3 ½ year period as where the re-tooling of the Bowline power plant could lead to more permanent jobs that will strengthen the Hudson Valley's economy and local tax base.

Thank you in advance for your consideration of my concerns over the Champlain Hudson Power Express project. If you have any questions, please feel free to contact my office.

Sincerely,

Kenneth P. Zebrowski  
Member of Assembly

ALBANY OFFICE: Room 637, Legislative Office Building, Albany, New York 12248 • 518-455-5735, FAX: 518-452-3061  
DISTRICT OFFICE: 67 North Main Street, 2<sup>nd</sup> Floor, New City, New York 10956 • 845-634-8781, FAX: 845-634-1091  
zebrrowski@assembly.state.ny.us

306-01

306-02

**306-01:** The proposed CHPE Project would result in beneficial socioeconomic impacts, including short- and long-term job creation, electricity cost savings, and increased tax receipts and revenue. Spending associated with construction (e.g., purchase of building materials, construction workers' wages, and purchases of goods and services) would temporarily increase tax receipts and revenue, and the Applicant would pay fees to New York State agencies and municipalities for use of public lands and taxes to local municipalities on the project facilities that are taxable as real property. The Applicant would use HDD techniques to install the transmission line without disturbing the surface in Rockland Lake State Park and Hook Mountain State Park, thus maintaining the visual integrity of the land (see Section 5.3.11 of the EIS).

**306-02:** Local power generation is not within the scope of this EIS.

Comment 401



**New York State Office of Parks,  
Recreation and Historic Preservation**

Division for Historic Preservation  
P.O. Box 189, Waterford, New York 12188-0189  
518-237-8643

December 13, 2013

**Andrew M. Cuomo**  
Governor  
**Rose Harvey**  
Commissioner

Mr. Brian Mills  
Permitting, Siting, and Analysis, OE-20  
Office of Electricity Delivery and Energy Reliability  
U.S. Department of Energy  
1000 Independence Avenue, SW  
Washington, DC 20585

Re: CORPS PERMITS, DEC, OGS, PSC, OGS, PSC (*DOE/EIS-0447*)  
*Draft – Champlain Hudson Power Express Transmission Line Project Environmental Impact  
Statement, Volume 1: Impact Analyses*  
09PR03910

Dear Mr. Mills:

Thank you for requesting the comments of the State Historic Preservation Office (SHPO). We have reviewed the submitted document *Draft – Champlain Hudson Power Express Transmission Line Project Environmental Impact Statement, Volume 1: Impact Analyses* received by our office October 25, 2013 in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended, and its implementing regulations 36 CFR Part 800 – Protection of Historic Properties.

It is the understanding of our office that ground-disturbing activities associated with the installation of the transmission cables could result in adverse effects on historic properties in the proposed CHPE Project area of potential effect (APE). Geographic Information System (GIS) analysis indicates that there are 51 terrestrial archaeological sites, 2 terrestrial sites that extend into Lake Champlain, 11 underwater sites, 36 National Register of Historic Places (NRHP)-listed or -eligible architectural properties, and 2 historic cemeteries in the APE.

Ground-disturbing activities associated with construction could damage archaeological features and would disturb the context of artifacts of terrestrial archaeological sites, underwater sites, and historic cemeteries. In the case of terrestrial and underwater archaeological sites that are listed or eligible for listing in the NRHP, this could constitute an adverse effect under 36 CFR 800.5(a)(1) and, therefore, require mitigation of adverse effects. Because the transmission line would be underground or underwater and would avoid any standing structures, the adverse effects from construction on the NRHP-listed and -eligible architectural properties in the APE would be limited to exposure to temporary noise, dust, and vibrations and short-term visual effects from the proximity of construction activities and equipment. The effects would not be considered adverse and therefore not require mitigation. Horizontal Directional Drilling (HDD) would be used to install the transmission line under Stony Point Battlefield Historic Park.

401-01

**401-01:** Sections S.8.10 and 2.6.10 of the EIS identify this information.

401-02

**401-02:** Sections S.8.10 and 2.6.10 of the EIS identify this information.



Mr. Brian Mills  
 December 13, 2013  
 09PR03910  
 Page 2

As specified in the conditions of the NYSPSC Certificate for the proposed CHPE Project ("Certificate Conditions"), Part Q, Conditions 107-112, the Applicant shall develop a Cultural Resources Management Plan (CRMP) that would include an outline of "the processes for resolving adverse effects on historic properties within the APE and determining the appropriate treatment, avoidance, or mitigation of any effects of the [CHPE Project] on these resources." Proposed and approved measures would be implemented to mitigate the CHPE Project's adverse effects on known terrestrial and underwater archaeological sites found to extend into the APE. Avoidance, minimization, and mitigation measures might include minor rerouting to avoid the sites, Phase III data recoveries of terrestrial and underwater archaeological sites that are listed or eligible for listing in the NRHP and cannot be avoided, and documentation following Section 106 of the NHPA for NRHP-listed or -eligible architectural properties that cannot be avoided by project activities.

Avoiding known underwater sites or anomalies would avoid potential damage to the integrity of the site. Development of a Programmatic Agreement (PA) pursuant to 36 CFR Part 800.14(b) is underway and additional formal surveys and evaluations must be conducted before it can be fully determined in detail what cultural resources require mitigation measures under Section 106 of the NHPA. Measures identified at this time, including development of a CRMP by the Applicant and addressing unanticipated cultural resources discoveries, are discussed in detail in Appendix G of the DEIS.

The operation of the proposed CHPE Project would have no effects on terrestrial and underwater archaeological sites in the APE. Because the proposed CHPE Project would involve an underground transmission line, operations would have no adverse effects on 33 of the 36 architectural properties in the APE. The operation of the proposed cooling station at MP 112 could have noise and visual impacts on the McMore Residence (National Register Eligible [NRE] 15) and the Main Street Historic Bridge (National Register Listed [NRL] 19).

Operation of the proposed cooling station at MP 296 could have noise and visual impacts on Stony Point Battlefield Historic Park. Depending on the exact location of the cooling station, these impacts could constitute an adverse effect under 36 CFR 800.5(a)(1) and, therefore, require mitigation implemented by the Applicant to avoid or minimize effects, such as using architectural treatments and maintaining and planting vegetative buffers in and around the cooling stations as part of cooling station design. Consultation regarding measures to avoid or mitigate adverse effects is ongoing through the Section 106 process. Vegetation maintenance activities and emergency repairs, if necessary, would occur in areas previously disturbed by construction of the transmission line and, in some cases, in areas purposefully selected to avoid cultural resources sites; therefore, effects would not be expected from such activities.

401-03

**401-03:** Comment noted. The Applicant continues to coordinate with the New York SHPO regarding installation of the proposed cooling station at MP 296 to determine measures that would reduce or eliminate potential impacts.

Due to the scope of the proposed undertaking and potential effects to significant historic properties, our office looks forward to continued consultation with your agency on the proposed undertaking. Should you have any questions, please feel free to contact me directly at (518) 237-8643, Extension 3288 or via electronic mail at [brian.yates@parks.ny.gov](mailto:brian.yates@parks.ny.gov). If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number 09PR03910.

Sincerely,



Wm. Brian Yates  
 Historic Preservation Specialist

cc: Mr. Rob Quiggle, HDR, Inc.

Comment 402

123 Main Street  
White Plains, New York 10601  
914 681.6200



December 13, 2013

Mr. Jun Yan , USACE Project Manager  
Eastern Section, Regulatory Branch  
New York District  
U.S. Army Corps of Engineers  
26 Federal Plaza, Room 1937  
New York, NY 10278

**Re: Public Notice Number- NAN-2009-01089-EYA – Application of Champlain Hudson Power Express, Inc. for a Department of Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344)**

Dear Mr. Yan :

The New York Power Authority (“ NYPA”) is a corporate municipal instrumentality and political subdivision of the State of New York, created and operating pursuant to Public Authorities Law §§ 1000-1017, and has its principal office at 30 South Pearl Street, Albany, New York 12207. NYPA operates 17 generating facilities and more than 1,400 circuit- miles of transmission lines. The Champlain Hudson Power Express, Inc. ’s (“CHPE”) project proposes to cross existing NYPA infrastructure in Lake Champlain, the Hudson River and will ultimately connect to a substation owned by NYPA and located in Astoria, NY. NYPA neither supports nor opposes CHPE’s permit application to the U.S. Army Corps. of Engineers (“Corps.”) pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

Based on the current proposed route of the line, NYPA believes that the Certificate Conditions set out in the Certificate of Environmental Compatibility and Public Need in Case No. 10 –T- 0139 issued by the New York Public Service Commission on April 18, 2013 (“PSC Certificate Conditions”) provide adequate protection, if followed, to affected NYPA property. NYPA also agrees with Paragraphs 3.3.4.1, 9.41 and 10.3 in CHPEI’s Corps. application, in which CHPE states, in pertinent part:

- 402-01

**402-01:** Comment noted.3.3.4.1:

“When crossing utilities that are owned by a third party, the design of the protection at existing cables and pipelines will require formal consultations with the owners and/or operators of this collocated infrastructure. Detailed discussions on coordination, design and installation methodologies and safety issues will be conducted with the owners of these infrastructures, as specified in the recommended Article VII Certificate Conditions. The detailed designs for each crossing will be provided as part of the final design stage.”

9.41:

“For utility crossings, the owner of the utility will be contacted to coordinate the crossing and to identify owner requirements. The selection of a method of protection will include consideration of the utility owner’s requirements.”

10.3:

“Existing facility owners will be contacted prior to the beginning of any pre-construction activities and throughout the Facility design process, and protection measures and specifications for existing utility facilities will be negotiated with the facility owners and filed with the Commission for approval in EM&CP documents and plans. Additional measures for the protection of utility infrastructure are set out in Certificate Conditions 27 to 29 and must also be complied with.”

NYPA respectfully requests that the Corps incorporate PSC Certificate Conditions 27 through 29 in its permit. The PSC Certificate Conditions are as follows:

27. The Certificate Holders shall engineer, construct, and install the Facility so as to make it fully compatible with the continued operation and maintenance of Co-located Infrastructure (“CI”), as herein defined, and affected railroads, railways, highways, roads,

streets, or avenues. CI shall consist of electric, gas, telecommunication, water, wastewater, sewer, and steam infrastructure and appurtenant facilities and associated equipment, whether above ground, below ground, or submerged that:

- a. are located within the Construction Zone approved in the EM&CP for the Facility or a proposed Construction Zone as provided for in Certificate Condition 28(d); and
- b. are either owned by a State agency or municipality or a subdivision thereof or owned or operated for public utility purposes by a regulated electric, gas, telecommunication, water, wastewater, sewer, or steam service provider;
- c. but do not include railroads, railways, highways, roads, streets, or avenues.

28. In order to protect CI, Certificate Holders shall:

- a. within sixty (60) days of Commission issuance of a Certificate, consult with the owners and/or operators of all known electric, gas, telecommunication, water, wastewater, sewer, and steam infrastructure and appurtenant facilities and associated equipment, whether above ground, below ground or submerged, other than railroads, railways, highways, roads, streets and avenues, located either: (i) within the Allowed Deviation Zone, (ii) within three hundred (300) feet of any location outside the Allowed Deviation Zone where Certificate Holders intend to undertake any pre-construction activities; or (iii) sufficiently close to areas of anticipated pre-construction activities such that Good Utility Practice, as defined in Condition 20 of this Certificate, requires discussion of the impacts of such preconstruction activities between Certificate Holders and the owners and/or operators of such facilities ("Potential CI"). Such consultations shall include

discussion of the likely routing of the Facility and the measures that will be employed by Certificate Holders to protect CI, including the studies required by the exercise of Good Utility Practice regarding the manner in which the Facility will be designed and installed wherever they are expected to cross CI or are expected to come in such proximity to CI that Good Utility Practice would require a specific design to be developed. All agreements and requirements resulting from this consultation shall be reflected in the proposal prescribed in subsection (d) of this Condition and the notice prescribed in subsection (e) of this Condition; and

- b. within sixty days (60) of Commission issuance of a Certificate, begin the process of consulting with the owners and/or operators of Potential CI to develop a construction schedule for the Facility that, among other things, coordinates system outage requirements, if any, and avoids conflicts with the internal construction programs of each affected owner and/or operator. This consultation shall continue throughout each phase and portion of the construction of the Facility that affects any CI or Potential CI, as applicable. As a part of this consultation, the Certificate Holders will identify to a reasonable degree of certainty the appropriate representative of the party, whether owner or operator, having primary care, custody, and control of a particular segment of Potential CI or CI (each such representative being a "Designated Representative"). All agreements and requirements resulting from this consultation shall be reflected in the proposal prescribed in subsection (d) of this Condition and the notice prescribed in subsection (e) of this Condition and in the Certificate Holders' EM&CP; and

- c. comply with all procedures identified by the Designated Representative(s) of the owners and/or operators of such CI or Potential CI, including, without limitation, application procedures and compliance with requirements for obtaining relevant rights, permission, permits, or authorization, whenever the Certificate Holders seek to undertake any studies, surveys, testing, sampling, preliminary engineering, pre-construction, construction, operation, maintenance, or repair activities that involve CI or Potential CI, except in cases where such actions must be taken on an expedited basis to protect the public or to ensure reliable operation of the Facility, whereupon Certificate Holders shall provide such Designated Representatives with such notice and obtain such approvals as is reasonable under the circumstances, and except where such procedures are subject to the Commission's jurisdiction and the Commission or its designee finds such procedures to be unreasonable or unduly restrictive. Notwithstanding the foregoing, the Certificate Holders shall not be required to comply with the requirements of subsection (c) of this Condition for the transport or travel over or under CI or Potential CI by the Certificate Holders and their agents, employees, and contractors where such CI or Potential CI is located in, over, or under public waterways, roads, streets, highways, or railroad ROW, unless such transportation would be subject to special approval by state and/or local authorities due to the size or weight of load(s) transported; and
- d. provide to the owner(s) and operator(s) of Potential CI or CI, at least onehundred-and-eighty (180) days prior to the filing of the relevant Segment EM&CP, a proposal for the location and design of the Facility (including a

proposed Construction Zone) and the methods of construction to be employed with respect to all locations involving CI (“Proposal”). The Certificate Holders’ Proposal must include all studies, calculations, tests, results, explanations, protocols, drawings, proposed construction schedules, and documents developed through the consultations described in subsections (a) and (b) of this Condition, other documentation identified in Condition 162, and any other information that supports the proposal. To the extent that any such Proposal addresses CI that was not previously identified as Potential CI, the Certificate Holders shall conduct the consultations described in subsections (a) and (b) of this Condition 28 with the Designated Representative(s) of the owner(s) or operator(s) of such CI and shall perform all other activities required by such paragraphs with respect to such CI in as reasonably expeditious a manner as possible and shall provide any resulting studies, calculations, tests, results, explanations, protocols, drawings, proposed construction schedules, and documents to the appropriate Designated Representative in a timely fashion; and

- e. advise owner(s) and operator(s) of CI at least thirty (30) days prior to commencing any planned repair, construction, operation, or maintenance activity relating to the Facility affecting or occurring in the vicinity of such owner’s or operator’s CI, unless such actions must be taken in less than thirty (30) days to protect the public or to ensure reliable operation of the Facility, whereupon Certificate Holders shall provide such notice as is reasonable under the circumstances; provided that, in any event, “vicinity” with respect to CI used to transmit or distribute natural gas shall mean all areas within two hundred (200)

feet thereof and with respect to all other CI shall mean all areas within one hundred (100) feet thereof; and

- f. immediately upon knowledge or discovery of any damage to or adverse effect on any CI or Potential CI resulting from any studies, surveys, testing, sampling, preliminary engineering, pre-construction activities, construction, operation, maintenance, or repair of the Facility, report to the owners and operators of the affected CI or Potential CI the nature and existence of such damage or effect and other known facts relating to the cause thereof; and
- g. notify the owners or operators of CI or Potential CI as soon as possible in the event of any situation involving imminent risk to health, safety, property, or the environment requiring the Certificate Holders to cross such CI or Potential CI or to use any associated property to address the emergency. Such notice shall not be required for the transport or travel over or under CI or Potential CI by the Certificate Holders or their agents, employees, or contractors where such CI or Potential CI is located in, over, or under public waterways, roads, streets, highways, or railroad ROW unless such transportation would be subject to special approval by state and/or local authorities due to the size or weight of load(s) transported; and
- h. include within any Project Segment EM&CP filing relating to the Astoria-Rainey Cable a study demonstrating that the proposed installation of the Astoria-Rainey cable will not have a negative impact on the continued operation of any Parallel CI. A draft of that study will be included in the materials that Certificate Holders are required to provide to the owner or operator of such CI pursuant to



Certificate Condition 28(d) and will be subject to review and comment as provided therein. For purposes of this subsection, Parallel CI means electric transmission facilities that are located in the same public ROW and are generally parallel to the Astoria-Rainey Cable.

29. Reimbursement of Owners or Operators of CI and/or Potential CI for Certain Expenses:

- a. Subject to the provisions of subsections (b) and (c) of this Condition, the Certificate Holders shall reimburse owners and/or operators of Potential CI or CI for the reasonable costs they incur in the following activities:
  1. consulting with Certificate Holders as described in Certificate Conditions 28 (a) and (b).
  2. reviewing pre-construction activities, designs, construction methods, maintenance and repair protocols, and means of gaining access to Potential CI or CI proposed by Certificate Holders.
  3. reviewing studies and design proposals described by Condition 28(d) and the EM&CP filings described in Certificate Condition 162.
  4. conducting or preparing such additional studies and designs as may be agreed to by Certificate Holders or approved by the Commission pursuant to Condition 29(a)(3).
  5. coordinating with, and monitoring the activities of, the Certificate Holders during pre-construction activities, construction, maintenance and repair of the Facility.

6. conducting maintenance and repair work on CI property or facilities, but only to the extent of increases in such costs that result from the presence of the Facility.
  7. repairing damage to Potential CI or CI or associated property caused by Certificate Holders or their representatives in connection with any studies, surveys, testing, sampling, preliminary engineering, pre-construction activities, construction, operation, maintenance or repair of the Facility.
  8. scheduling and implementing electric system outages required by any studies, surveys, testing, sampling, preliminary engineering, preconstruction activities, construction, operation, maintenance, or repair of the Facility.
- b. For the purposes of this Certificate Condition 29, cost shall be deemed to be reasonable if in the case of each separate review of a study or design proposal described in subsection (a)(3) of this Certificate Condition, the total cost to be borne by the Certificate Holders is five thousand dollars (\$5,000) or less.
- c. Certificate Holders' cost responsibility is limited as follows: a Potential CI or CI owner or operator who intends to incur costs as described in subsection (a) of this Certificate Condition 29 for which reimbursement will be sought for activities other than reviewing a study or design proposal described in subsection (a)(3) of this Certificate Condition 29, or for reviewing such a study or design proposal but in an amount greater than five thousand dollars (\$5,000), must provide Certificate Holders with a written description of the scope of the planned studies or activities and a good faith estimate of the expected costs, except where such studies or activities are undertaken in a situation involving unscheduled electric outages or

an imminent risk to health, safety, property, or the environment, in which case Certificate Holders' reimbursement obligations shall be limited to reasonably incurred costs. Within sixty (60) days of the expenditure by the owners and/or operators of affected Potential CI or CI of any funds which are eligible for reimbursement by the Certificate Holders under this Certificate, the Potential CI or CI owner or operator shall present Certificate Holders with a final invoice for the actual costs incurred, but not to exceed twenty-five percent (25%) over the good faith estimate unless approved by Certificate Holders in advance in writing or, in the case of a dispute between the Certificate Holders and the Potential CI or CI owners or operators, by the Commission. Certificate Holders shall pay the authorized invoice amount within thirty (30) days of receipt.

- d. Disputes concerning the Certificate Holders' cost reimbursement responsibility shall be brought to the Commission for resolution. The time required to resolve any dispute arising under this Certificate Condition 29 shall not be counted for the purpose of any limitation on the time available for commencement or completion of construction of the Facility.

Respectfully submitted,

THE NEW YORK POWER AUTHORITY

By: s/ Javier E. Bucobo  
JAVIER E. BUCOBO  
PRINCIPAL ATTORNEY

cc: Mr. Brian Mills  
Senior Planning Advisor  
Office of Electricity Delivery and Energy Reliability (OE-20)  
U.S. Department of Energy  
1000 Independence Avenue, SW.  
Washington, DC 20585

William Helmer  
Executive Vice President, General Counsel, and Secretary  
Transmission Developers, Inc.  
600 Broadway  
Albany, NY 12207

## Comment 403

January 15, 2014

Mr. Brian Mills  
Senior Planning Advisor  
Office of Electricity Delivery and Energy Reliability (OE-20)  
U.S. Department of Energy  
1000 Independence Avenue, SW.  
Washington, DC 20585

**RE: DOS/EIS-0447**

Dear Mr. Mills:

The signatories to this letter are parties to the February 24, 2012 Joint Proposal of Settlement (the “JP”) filed in Case 10-T-0139 before the New York Public Service Commission (“PSC”), and adopted without significant alteration by the PSC in its Order issuing a Certificate of Environmental Compatibility of and Public Need for the Champlain Hudson Power Express Project (the “Facility”) on April 18, 2013 (the “Certificate Order”). We note that the above-referenced draft environmental impact statement for the Facility (the “DEIS”) focuses on the analysis of two alternatives: a “no action” alternative and the Facility as understood, assumed, and recommended for approval by the JP.

We write to advise you that the JP parties concur with the decision to analyze these alternatives and that we consider the DEIS’s analysis of environmental impacts attributable to the Facility to be fully consistent with and confirmatory of the conclusions set forth in both the JP and the Certificate Order. In particular, we believe that the DEIS fully supports the JP’s statement that “the Facility, located and configured as provided in this Joint Proposal, represents the minimum adverse environmental impact considering the state of available technology and the nature and economics of the various alternatives and other pertinent considerations.” (JP ¶ 24).

In conclusion, we urge your agency, as well as all federal agencies involved in reviewing the Facility proceed to finalize the relevant approvals so that this important project can go forward.

403-01 **403-01:** Comment noted.

Very truly yours,

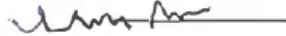
New York State Department of Public Service  
New York State Adirondack Park Agency  
City of New York

SIGNATURE PAGES TO FOLLOW

7766005.1

**Re: DOS/EIS-0447**

New York State Department of Public Service

A handwritten signature in blue ink, appearing to read "L. M. P.", is written over a horizontal line.

January 15, 2014

Re: DOS/EIS-0447

New York State Adirondack Park Agency

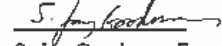
A handwritten signature in cursive script, reading "Terry Martino".

Terry Martino, Executive Director

January 15, 2014

Re: DOS/EIS-0447

City of New York



S. Jay Goodman, Esq.

Couch White, LLP

Counsel for the City of New York

January 15, 2014